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THE NATION

JULY 5, 1971 50 cents

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Addiction in Vietnam
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William K. Wyant, Jr.

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Barry Schweid

Campaign Hope Chest
SOMETHING BAD FOR EVERYONE
Samuel C. Brightman

GIBRALTAR: SMUGGLERS' ROCK
Orlando Martinez

Sanity in California
LOCKING UP THE TENNEY FILES
Sen. James R. Mills

JUAN PERON: HOMESICK DICTATOR
Richard O'Mara

Larry Eugene Ward
STAKED OUT FOR SLAUGHTER
Jon R. Waltz

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LETTERS

amnesty

Pittsburgh, Pa.

DEAR SIRS: In his review of Roger Williams' *The New Exiles* [*The Nation*, June 14], Kingsley Widmer doubts that the war/draft resisters in Canada will receive amnesty from the U.S. Government: "The historical examples of major American amnesties go back to Andrew Johnson in 1868, and to George Washington, but cannot be found in the past century."

It depends on what you mean by "amnesty." In 1920, Secretary of War Newton D. Baker advised President Wilson of the more than 170,000 cases still pending of men who had evaded induction. "In addition to these," he added, "there are still at large a substantial number of drafted men who did report and enter the service, but subsequently deserted." What were the President's wishes? "I think that it would be best to let the law [against the resisters] expire," Wilson replied.

If a bluenose like Wilson could, in effect, produce such a massive absolution, should we not expect as much from McGovern, Hughes, Kennedy, Lindsay, McCloskey, Humphrey or Muskie in 1973? . . .

Peter Karsten

sickening choice

Boston, Mass.

DEAR SIRS: I have written letters to a number of Senators, Lawrence O'Brien, George Meany and others to say that if the Democrats give the nomination to either Senator Jackson or Senator Humphrey, I will put all my time and energy to working for a third party.

That we should have once again to choose at the polls between two men, both of whom support this obscene war in Vietnam, is a possibility that simply surpasses belief. I do not know which is more sickening: for Senator Jackson to continue to support the war or for Senator Humphrey to pretend that he never supported it. I urge all Democrats who feel as I do to join me in writing these kinds of letters to all persons prominent in Democratic politics, and to help in spreading these ideas as widely as possible. *John Holt*

dated innuendo

Honolulu, Hawaii

DEAR SIRS: The words and the innuendos behind the words that the news media use become outdated in time. The particular word I have in mind is "enemy," when used with reference to the Vietcong and NVA.

At one time the American public supported the war and then, perhaps, the word "enemy" was appropriate. But the feelings of the American public toward the war have gradually changed to where a large percentage of the populace no longer favors our participation in the conflict.

The news media, as well as the Administration, are servants of the public. I ask you as a servant of the public to refrain from using words that give the impression that these people are somehow our enemy.

Greg Boyko

confusion of terms

New York City

DEAR SIRS: The publication of the so-called Pentagon papers by *The New York Times*, and now other papers, is in the general public interest. . . . The documents published so far relate to the formation of foreign policy and the central issue in this case of civil disobedience resolves itself into whether or not a supposedly democratic state has the right to determine the direction of policy in secret. . . .

If a democratic state professes the right to formulate

(Continued on page 20)

EDITORIALS

For Whose Eyes Only?

On June 17, 1967, as we now know, Robert S. McNamara directed that a task force study the history of United States involvement in Vietnam from World War II to the present. His directive was to make studies that would be "encyclopedic and objective." The end product was thirty-seven studies and fifteen collections of documents in forty-three volumes—the Pentagon papers.

The instructions were somewhat vague, perhaps because the stated purpose was not clear. Neil Sheehan writes in *The New York Times* that the "study was meant to be an anonymous bureaucratic history written only for the highest decision-makers within the government." But that does not seem to have been the case. Mr. McNamara must have realized that the papers would be of immense value to those who continued to be responsible for American policy in Vietnam, as well as those who were concerned with the decision-making process in general, which is the main focus of the studies. Yet he is said to have turned his set over to the National Archives, where they cannot be seen for twenty-five years.

Dean Rusk denies having seen the papers. Hubert Humphrey denies having seen them. Kissinger, Rogers and the President deny having seen them. On the Congressional side, Senator Fulbright was eager to lay hands on a set but could not do so. The mind boggles at the absurdity of the notion that some fifteen sets of the papers should have been kept under lock and key, gathering dust, put to no use, awaiting the day when they would be available to scholars who would greedily exploit the contents without being able to put the analysis to any immediate or practical use. If any use was made of them by "the highest decision-makers within the government" it is not clear from the published reports just what these uses were.

Thirty-six professionals worked on the project under the direction of Leslie H. Gelb, who is not without a sense of humor. In a paper prepared for the American Political Science Association convention last fall—the paper was apparently read by Morton Halperin—Mr. Gelb at one point observed that "the classified documents are very likely to confirm this and are probably even more explicit" (*The Wall Street Journal*, June 18). Mr. Gelb is now at the Brookings Institution writing a book about —guess what?—this country's involvement in Vietnam. Daniel Ellsberg, who also worked on the Pentagon papers, is said to be writing a book on the same subject. He too presented a paper at the APSA convention as did Morton Halperin who also worked on the project. For all we know, Halperin may be writing a book based on the project's research. The enterprise of *The New York Times* in publishing sections of the report was quickly followed by that of *The Washington Post*, the *Boston Globe*, the *Los Angeles Times*, the Knight Newspapers and . . . the line forms left and right. One set of the papers has turned up in the office of Rep. Paul McCloskey. Soon the reprint houses will be offering sets at fancy prices. As Eugene McCarthy observes, the government will probably end up indicting a Xerox machine.

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What this activity demonstrates is the absurdity of McNamara's concept of the project, as well as the Administration's contention that the Pentagon papers are truly "classified documents." A study of this kind—so useful in many areas of government concern, so revealing in its insight into policies and personalities and the decision-making process, of such intense public interest—was certain to break through the wall of classification, if only because some of the professionals who worked on the papers knew their importance and were determined, by hook or by crook, to make some of the insights available.

Money and Politics

The director of the Citizens' Research Foundation of Princeton, N.J., Dr. Herbert E. Alexander, makes the front pages every two years or so. He is a specialist in the relation between campaign contributions and the vicissitudes of politics. The headline this year (*The New York Times*, June 20) was, "1968 Political Campaigns Set $300-Million Record." The first reaction is one of shock—what sort of democracy is it in which elections are decided by the contributions of the rich? But, while the initial impression is not utterly devoid of truth, neither Dr. Alexander's findings, nor Samuel Brightman's report in this issue (p. 11) suggest that it is the whole truth. The matter is one of considerable complexity: there is no one-to-one relationship between big contributions and winning elections.

For instance, Eugene McCarthy's bid for the Democratic nomination for the Presidency in 1968 was widely believed to have been weakly financed. However, Dr. Alexander says that the 1968 campaign "brought more left-of-center or moderate money onto the political scene than at any time" in our history. Mr. McCarthy spent about $11 million, not a large percentage of the total but a very sizable amount.

At the other end of the political spectrum, George Wallace spent at least $9 million, most of it raised in small sums in a grass-roots campaign. The inference here seems to be that, while getting the ordinary citizen to contribute may be a good thing, it is no protection against demagogy, racism and the other diseases of democracy.

Again, while TV/radio has greatly increased the expense of running for office, it is not always the Republicans who hog the airwaves. The FCC has found that the Democrats outspent the Republicans for air advertising in the 1970 campaign by about $4 million.

Big money is relative. Contributions of $100,000 or more numbered fourteen in 1968. As one would expect, names like Du Pont, Ford, Pew, Mellon, Olin, Whitney, Lehman are prominent. The largest contributor was Mrs. John D. Rockefeller, Jr., the Governor's stepmother, with $1,482,625. Dr. Alexander estimates that Mrs. Rockefeller also paid almost $850,000 in federal gift taxes. All that Rockefeller family money availed the Governor nothing, so far as the Presidency was concerned.

What is to be done? Experience shows that attempts to limit expenditures are difficult to enact and enforce; the average citizen is not infuriated by the power of money in elections, partly because he thinks politics is a dirty busi-

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ness anyway, and partly because the would-be buyer of an election doesn't always get what he paid for. Eight states have no campaign reporting statutes at all, and that laxity does result in gross corruption. There is the nearly forgotten case of Paul Powell, the Illinois Secretary of State, who died suddenly and left a bulging bundle of $3 million in cash, most of it stashed in old shoe boxes and other odd places. Although in the Powell case the barn door is being locked after the horse is stolen, these states where anything goes should be at pains to catch up with the rest of the country, where things are quite bad enough.

A more positive idea is to establish a kind of parimutuel system to give the ordinary voter a bit of the action and induce him to participate. Contributions up to some modest figure, say $10 per person, would be applied as a tax *credit*—not a deduction among other deductions but an allowance *after* the tax liability—federal only at the start. The voter would in effect be given $10 to disburse politically, and it would cost him nothing. Between letting the IRS have it, and giving it to the party of his preference, he would be likely to choose the latter. The idea would be not to limit big expenditures but to put a floor under the parties, built up of small contributions, which might free them of the need for large donors. Perhaps the Republicans would gain initially, but that is a risk the Democrats should be willing to take; in the next subsequent election they might be the gainers. In any case, if neither party is willing to risk anything for long-term public benefit, let us at least stop yammering about evils we are unwilling to correct.

Big Enough

Every motorist on an interstate highway, or any expressway, has had the experience of an enormous rig drawing abreast and passing him at a speed of 70 or 75 miles an hour. It is not necessarily illegal—on some expressways the speed limit is 70 mph, and a tolerance of 5 mph is usually permitted by the highway patrol. As a rule, trucks stay in the right-hand lane and travel at 60 to 65 mph, and the passing is done by the passenger cars. For an experienced driver with sound nerves and fast reflexes—and no others belong on expressways—these experiences are routine. But, viewed statistically, some extremely unpleasant conclusions emerge. The *National Observer* (June 7) has gruesome figures on the subject, and some members of Congress, such as Fred Schwengel (R., Iowa) are taking increasing interest in it.

The basic question is whether on high-speed roads passenger cars and large trucks should be mixed at all. This puts into question the whole theory of design of the Interstate Highway System which, at this late date, is unlikely to be changed. The comments of Dr. William Haddon, who formerly ran the nation's traffic and highway safety programs and who now heads the Insurance Institute for Highway Safety, are nevertheless worth pondering. "It's obvious," Dr. Haddon says, "that mixing small, fast-stopping vehicles with ponderous, slower-braking ones would create a problem. And it does. It's an inherent safety hazard."

All the big trucking companies have accidents. The Bureau of Motor Carrier Safety files contain reports of 47,877 big-rig smashups that killed 1,953 persons, injured 24,106 and caused more than $102 million in property damage in 1969. The *National Observer* people made a count in 1970 of accidents involving big trucks. Many truck drivers are themselves extremely critical of inspection procedures and other safety measures. One trucker with 1 million miles of driving experience says sardonically, "Yes, I've had my outfits checked. Twice."

In brief, a bad situation, but there is a movement to make it worse. The truck industry keeps pressing for permission to use larger rigs. Such efforts were defeated in 1968 and 1969. Now the House Committee on Public Works has given approval to a measure (H.R. 4354) which would increase the permissible width for busses from 96 to 102 inches. Both the Department of Transportation and the National Transportation Safety Board oppose the legislation. If it can be pushed through the Congress for busses, then an effort will be made to obtain the same increase for trucks. The argument for busses is that the added space will give the passengers greater comfort. Maybe. But Congress has a duty to protect the passenger car public against the hazards which big rigs already represent. As it is, the New Jersey Turnpike Authority reports that large trucks constitute 12 per cent of its traffic but are involved in 31.1 per cent of all accidents and 61.8 per cent of all fatal accidents.

SUMMER SCHEDULE

During the summer, *The Nation* will *not* appear on the following dates: July 12, July 26, August 9, August 23.

Perfect Timing

If some rad-lib sheet published an article asserting that a group of wealthy American reactionaries were engaged in a fund-raising drive to found a "Cold War College," it would be regarded as a clumsy put-on. With the country torn apart by the Indochinese war, with more than 70 per cent of the population looking for a way out, with Mr. Nixon testing the temperature of the water with a view to wading into some kind of trade arrangement with the People's Republic of China, with large sections of the U.S. Army demoralized, one might think that wealth and prominence would decide to soft-pedal the cold war and allocate funds to real, as distinguished from phantasmal, national problems.

Nothing of the kind. "Cold War" is to be the name of the new institution, an offshoot of the Institute for American Strategy and a related organization, Freedom Studies Center. It will offer a full-time program to teach "dedicated young Americans how to meet the challenges to our freedom." These challenges, in the view of the sponsors, are nothing short of bloodcurdling.

The site of the projected "College" will be the 683-acre "retreat" of the parent organization at Boston, Va., 70 miles from Washington. Boston, Va., is also the site of Longlea Farm, the retreat of the Hon. Clare Boothe Luce. Mrs. Luce's signature is rubber-stamped on form letters of solicitation, beginning "Several friends have suggested

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that I write you about the expansion of the Freedom Studies Center into a fully operating 'Cold War College,' to thwart the revolutionary aims of schools teaching many of our young people how to start riots, how to make bombs and Molotov cocktails . . . in short—how to destroy our free society." Specifically mentioned are forty-two training centers in Castro's Cuba, said to have trained such revolutionary firebrands as Mark Rudd and Stokely Carmichael—neither of whom, it may be remarked, has been conspicuously successful in subversion of late. But we have it on the word of Lyndon B. Johnson, John W. McCormack, Gen. Earle G. Wheeler, J. Edgar Hoover, Spiro Agnew, Thomas J. Dodd (deceased), former Sen. George Murphy, Sen. Strom Thurmond, Patrick J. Frawley, Jr., Hon. Richard Ichord, Hon. Walter H. Judd, et al., that no time is to be lost in getting the "Cold War College" into operation.

This appeal is not pitched to pikers. For $100 or more, the contributor's name will be listed on the "Roll Call of Sponsors"; partial fellowships will be set up in the names of those who give $500, $1,000 or more, and the students who receive them will keep their sponsors up to date on their progress. All contributions are tax-deductible.

The Collusion of Style

Last year the American automobile killed 56,000 motorists and injured millions more. It accounts for 60 per cent of the nation's air pollution. Twenty million rusting, abandoned cars disfigure the countryside.

Safer, pollution-free, more durable automobiles are desperately needed. They have already been built, but the Big Three car manufacturers refuse to produce them. And those firms willing to produce them are barred from the industry by the Big Three's annual restyling practices. Annual change in the style of automobiles, like the seasonal variation in women's fashions, has become an accepted way of life in this country. Nevertheless, it may violate the federal antitrust laws.

Unlike design changes in women's fashions, automobile restyling is a complex, prohibitively expensive process. General Motors, Ford and Chrysler spend more than $1.5 billion each year to change the appearance of their models. Moreover, they spend hundreds of millions in advertising to convince motorists that the cars which only a year ago were hailed as the ultimate in design and engineering are suddenly obsolete.

For nearly fifty years, these three firms have engaged in annual restyling. The formidable costs involved eliminated almost 100 smaller competitors and now prevent new companies from entering the industry. As a result, the Big Three today account for 97 per cent of automobile production in the United States.

Annual restyling creates insurmountable barriers to entry by new firms by requiring investments of nearly $1 billion in parts and distribution facilities and in plants with high output capacities. Consequently, economists conclude that the idea of new domestic entry into this industry seems "preposterous." No manufacturer has entered and survived in the industry since 1923, the year GM introduced annual style changes.

GM, Ford and Chrysler deny that there are entry barriers, citing the recent increase in imported car sales. But foreign producers such as Volkswagen and Toyota rely on large-scale economies abroad and enormous worldwide sales to support their gradual expansion into the American market.

Alternatively, the Big Three argue that style changes are "an example of competitive response to customer demand." But what about the increasing proportion of motorists who prefer performance improvement (safety, decreased pollution, durability) to restyling? Since 1968, the Big Three have spent each year nearly $200 per car for restyling. The value of performance improvements, as measured by the Bureau of Labor Statistics, has increased less than $6 per automobile each year.

Style change has never been attacked under the antitrust laws, but it seems to be the type of "concentration-increasing" practice which Congress sought to prohibit when it passed Section 5 of the Federal Trade Commission Act in 1914. To halt a widespread and growing concentration in industry, Congress empowered the FTC under that section to strike down "unfair practices" which suppressed competition by eliminating actual and potential competitors. Arguably, annual restyling is conduct of this variety.

If the FTC sues the Big Three and wins, it could break these giant corporations into at least forty efficient producers. The resulting competition among that many firms could provide consumers with cars better suited for people and their environment. It could be the last chance for the American automobile.

BRADFORD C. SNELL
Editor, Yale Law Journal

The Save-Hoover Drive

Over the years J. Edgar Hoover has, by his vanity, arrogance and tyrannical administrative actions, angered a great number of Senators and Representatives, Cabinet officers and just plain citizens. For many years there was no outlet for all this resentment, and it backed up like water behind a dam. When the dam finally sprung a leak Mr. Hoover was well-nigh inundated. But a man who has exerted power for so long is bound to have friends, or at least allies.

One of these friends in need is Efrem Zimbalist, Jr., son of the famous violinist and himself a most successful TV actor. Mr. Zimbalist's motives may be entirely pure and *The Nation* in no way impugns them, but certainly he has not suffered materially by his association with Mr. Hoover. Selected by Hoover in 1965 for the role of Inspector Erskine in the TV series, *The FBI*, Mr. Zimbalist is said to earn something between $400,000 and $750,000 a year, and to play to an audience of about 40 million viewers a week. Aside from the mutual affection which such a relationship inspires, Mr. Hoover regards Mr. Zimbalist as a brilliant actor, and Mr. Zimbalist has responded by referring to Mr. Hoover as "the one pre-eminent figure in the law-enforcement scene . . . a modern American legend."

Now Mr. Zimbalist is showing that he is no fair-

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weather friend. He is spearheading a tax-exempt national campaign to defend the aging FBI director against critics. The roles of both the individuals and organizations involved in this crusade are a bit complicated. Zimbalist is honorary chairman of a group called "Friends of the FBI," which is raising money to counter what Zimbalist calls "a vicious smear campaign" against Hoover—one which, in Zimbalist's estimation, "threatens to undermine the whole structure of law and order in the United States." "Friends of the FBI" is a subsidiary of a nonprofit, tax-exempt organization called the "Commission for International Due Process of Law," said to be headed by a Chicago attorney, Louis Jutner. Lee Edwards, a publicist who has been active in right-wing causes, is also lending a hand.

Offhand, there would seem to be a gap between a body promoting international due process and one established to shield J. Edgar Hoover against his critics. However, in his fund-raising letter, Zimbalist assures prospective donors to the "Friends of the FBI" that their contributions will be tax-exempt.

Thus income-tax payers who do not worship Mr. Hoover will be contributing to his cause nonetheless—as in fact they have been doing right along. An FBI spokesman has confirmed that bureau time commensurate with the services of two FBI employees, presumably of the status of agents, is devoted to propagating the Hoover legend through the TV series. These employees furnish story ideas, review and make suggestions on scripts, and furnish technical advice to the production staff.

Although the love cherished by many citizens (including juveniles) for Mr. Hoover is not to be denied, his detractors are rapidly catching up with his admirers. A current example in trade union circles is the Summer 1971 issue of *Lithopinion*, a quarterly published by Local 1, Amalgamated Lithographers of America. As would be expected, *Lithopinion* is a beautiful piece of magazine making, but what is extraordinary in that issue is the article by Fred J. Cook, "J. Edgar Hoover and the FBI," with the epigraph from *The New York Times*, "A bureaucratic autocracy unchecked by Congress and unsupervised by the Executive has no place in a self-governing society."

Opposite the title page there is a caricature of Hoover, in the guise of a Cupid armed with a sword, by the artist Edward Sorel. The caption is, "ME? Even I don't investigate me!" But some Senator just might take it into his head to investigate the possible conflict of interest involved in the relationship between the "Friends of the FBI" and its parent organization, and just how the Hoover legend has been propagated by the TV series in which Mr. Zimbalist has starred so long.

Deposit on Litter

In 1969 a bill banning throwaway bottles and cans was introduced in the Oregon legislature. The bottle and can industry responded quickly, first with an assault upon the bill and then with a pledge to solve the problem within the industry if given two years. The bill died.

Last year, Washington State conservationists obtained enough names on petitions to place a bottle deposit initiative before the people. The bottle and can industry spent $171,000 in the campaign, and the initiative was defeated.

This year the issue returned to Oregon, pressed by a statewide lobby and having the support of the Governor. Again the bottle and can industry attacked the bill. A plea that it be given more time to solve the container problem had less impact than the charge that passage of the measure would result in the loss of several hundred jobs. (The charge was disputed by the ecologists, who had done their own homework.)

After heavy infighting and public debate, the bill's opponents sought to change the starting date from October 1, 1972 to July 1, 1973—after the next legislative session. But Sen. Betty Roberts, of Portland, replied that further delay would mean fighting for the bill all over again in the 1973 legislature.

Projecting what would happen if a 1973 date were chosen, she asked how much money would be poured into races for the Oregon legislature if the industry thought it could kill the bill in 1973 before its effective date. And a day later she reported receiving an anonymous phone call which promised large campaign sums for Democratic legislators in 1972 if the 1973 date were put into the bill. Roberts and the other proponents of the measure stuck to their guns and the bill was passed, making Oregon the first state to ban throwaway bottles and cans.

Under the bill's provisions, a 5¢ deposit value will be placed on most soft drink and beer cans and bottles. Detachable tabs on metal cans will be forbidden. There will be a 2¢ deposit rate for interchangeable beer bottles (stubbies), with approval of the Oregon Liquor Control Commission. And the bill provides for the establishment of redemption centers, to be situated conveniently for the public.

Industry spokesmen argue that persons who pay out 5¢ and 2¢ deposits will still have no qualms about littering the roadsides. That may be so, but with such high prices set for the returnable containers it is expected that people throughout the state—especially the unemployed, students, housewives, pensioners and small farmers—will patrol the roadsides and picnic grounds as a source of income. Indeed, so many persons have expressed keen interest in picking up cans and bottles at the bill's returnable rates that a new collection industry may be born. Either way, Oregon's roadsides are going to be cleaned up.

The Prisoner and the Union

California is the place for new unions to start. This time the California Prisoners Union, out of Soledad, has spread to San Quentin, Folsom and other prisons. After the riot at Auburn last November, New York prisons might be fertile ground for branches. The first forty members of the new union were informed upon by a house convict and rewarded by being parceled out among a number of other prisons in the California "Correction" System. But that did not stop the organizing; it has continued both within and outside the prison establishment under severe conditions.

The good words, "We want to organize," were brought from Soledad to the Northern California Committee for Trade Union Action and Democracy early this year. When

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it came onto the floor of a union meeting, ". . . the members gave it a standing ovation." Wage rates for prisoners start at 2¢ an hour and rise to a lavish 24¢. California prison-made textiles have been seen on sale in Tokyo at less than Japanese prices.

One of the requests from prisoners (they are too prison-wise to make demands) is for prevailing wage rates. Another request is for immediate, adequate medical attention when injured on the job, without, as a condition for medical treatment, being forced to sign a release that absolves the state from liability. The California Prisoners Union wants Workmen's Compensation for on-the-job injuries, unemployment insurance, and the other subsidies to which squares are entitled. Such benefits will bring dignity to men now depersonalized and remove scab products from the market.

Since Southern California produces two-thirds of the state's prison population, some Los Angeles non-convicts, in the Fellowship for Social Justice, started the Southern California Prison Coalition. This is a wide umbrella for a number of civic and ex-convict groups who meet together for the purpose of ". . . bettering the lot of prisoners by changing laws."

Their first annual conference, "Prisons: Perpetuators of Violence?," was held in the barrio of East Los Angeles on June 5. It brought together 300 concerned ex-convicts, convicts, their families and friends. The conference was managed and chaired by ex-convicts. State Assemblymen Walter Karabian and Alan Sieroty were speakers. They mentioned laws passed and bills pending. They urged groups from all over the state to work for this pro-convict prison legislation. One of Mr. Karabian's bills would permit conjugal visits. The prison administration, after three years of dallying with this idea, permitted two such visits to two inmates in the entire correctional system. Mr. Karabian continued, "Two hundred and fifty thousand Californians are arrested each year and released. They are marked for life when trying for a new job. We should make it an illegal practice for an employer to ask a job applicant about his arrest record. This audience constitutes practical politics and is in the best tradition of our country. Public officials must be pushed. Don't hesitate to go forward. There can only be one judge of what you do and that is you."

Assemblyman Sieroty added, "In Sacramento, pushing through humane legislation will no longer be a lonely battle. I double this call that is made to you today. It means we will have a statewide organization to help us; the efforts toward decent legislation have never been properly coordinated."

Dr. John Irwin, author and criminologist at San Francisco State College, speaking of himself as an ex-convict said, "We ex-convicts have been kept apart too long from the prisoners inside the jails. Corporal punishment has been replaced by the more insidious rehabilitation; rehabilitation has failed too."

In the workshop, Alternatives to Prison, a black convict, who had already served twenty years and was released for just one day to take part in the conference, said: "Even the extended probation still includes the same old discrimination. We must work for both major social change and prison change at the same time." At the reconvening, the Continuations Committee decided to send the resolutions to the state legislators, and by so doing to petition for law that will produce action.

DAVID SEIDMAN

Mr. Seidman is a non-convict member of the California Prisoners Union and the Southern California Prison Coalition.

ADDICTION IN VIETNAM

COMING HOME WITH A HABIT

WILLIAM K. WYANT, Jr.
Mr. Wyant is a Washington correspondent for the St. Louis Post-Dispatch.

Washington

President Nixon's June 17th declaration of war against drug abuse gave emphasis to the home front and dismissed the high incidence of drug dependency among the military in Vietnam as a disheartening but "by no means a major part of the American narcotics problem." This down-playing in the message to Congress was a little deceptive. If there was any one *casus belli* that triggered the President's war on drugs, it was surely Vietnam. The men are coming home now by the tens of thousands. Some are in deplorable shape from exposure to an environment in which heroin is as easy to get as aspirin or chewing gum. The curse of drug addiction among troops overseas is by no means confined to Southeast Asia, but it is worst there.

Nobody really knows how many of the servicemen who will be returning from Vietnam will be hooked on heroin. Two members of the House Foreign Affairs Committee, Morgan F. Murphy (D., Ill.) and Robert H. Steele (R., Conn.), issued an estimate late in May that 10 to 15 per cent of all U.S. troops then in South Vietnam were addicted to the drug in one form or another. Murphy and Steele figured the total at 30,000 to 40,000 men, a frightening addition to the 250,000 estimated in the nation's civilian population. The 30,000 to 40,000 figure was given to the Senate in June by Harold E. Hughes (D., Iowa), who cited the Provost Marshal's office in Saigon as his authority. The Pentagon has not questioned these estimates. In Vietnam the lethal white powder is cheap, strong and everywhere.

Present extrapolations and guesses might turn out to

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exaggerate the dimensions of the Vietnamese drug plague. It is also possible, some say, that they are conservative. There is no way to know as yet what proportion of troops in Vietnam have just been fooling around with heroin on an experimental basis, and what proportion are hard-core addicts facing a pattern of physical and psychological dependency, along with the recidivism characteristic of the ailment.

Thanks to Senator Hughes, chairman of the Labor and Public Welfare Subcommittee on Alcoholism and Narcotics, and to the ranking Republican on the panel, Sen. Jacob K. Javits of New York, Congress moved a full week before Mr. Nixon did to make the Armed Services responsible for finding, treating and rehabilitating military personnel who are dependent on drugs. By unanimous vote on June 9, the Senate approved the Hughes-Javits amendment to the draft bill. The Amendment covered alcohol as well as drug dependence, labeling both as diseases, and did not confine itself to Vietnam. It required that military addicts be treated without fear of criminal or administrative punishment—that is, for the addiction itself.

Also passed, with one dissenting vote, was another Hughes-Javits amendment designed to intensify international efforts to curb the flow of heroin and other narcotics into this country and into areas abroad where American troops are stationed. Hughes and Javits enjoyed the hearty support of Sen. John Stennis (D., Miss.), chairman of the Armed Services Committee. "There is nothing worse than an individual getting addicted to the use of heroin," Stennis said, recalling that as a young man he had worked in a drugstore.

The Senate's abrupt action, which the House will almost certainly endorse, rubbed the Defense Department's nose in a problem it had been slow to recognize, and stole some of the political thunder from the President's plans, of which advance reports had reached Capitol Hill. Senate approval of the Hughes-Javits amendments came only a few hours after Senator Hughes and his panel had listened to Defense Department witnesses who explained what the department and the individual fighting forces—the Army, Air Force, Navy and Marines—were doing about drugs. Hughes heard them out patiently but was obviously not satisfied.

The difference in viewpoint was plain enough. The Armed Services want to take care of their own, and all that, but they are worried that an "all is forgiven" approach toward drug addiction might have an adverse effect on discipline. Their traditional procedure is to punish drug offenders and get rid of them. Furthermore, the militay do not want to be saddled with long-term rehabilitation. The contrasting view in Congress is that drug addicts in uniform, many of them trained to use weapons, must not be turned loose on civilian society, and that it is up to the military, under whose auspices the addiction was formed, to see that they are not.

"What do you plan to do with these men?" Hughes demanded of the chief Pentagon witness, Roger T. Kelley, Assistant Secretary of Defense for Manpower and Reserve Affairs. Kelley replied that the problem of drug dependency among troops returning from Vietnam was being given intense study and that "we will handle it, whatever the numbers are."

The military has resisted ordering its commanders to extend amnesty in instances of drug abuse. Until recently, the Pentagon was reluctant to admit that there was much drug addiction among the troops. Senator Hughes said wryly that he had been told early in 1970 that military men were so closely supervised that a man on drugs would be readily detected when his superior looked him in the eye. Hughes also pointed to a Pentagon document of last summer proclaiming that "there is virtually no drug addiction and, compared to the civilian community, a low incidence of drug abuse in the Armed Forces." That fall, the menace posed by hard drugs like heroin began to emerge in a disturbing way. The Hughes panel held hearings in November and December, throwing light on widespread drug abuse among troopers at Fort Bragg, N.C., and praising the rehabilitative efforts undertaken by Lt. Gen. John J. Tolson III, commanding the XVIII Airborne Corps.

"The problem that confronts us in Vietnam today is an entirely different ball game," Assistant Secretary Kelley told Senator Hughes when the Senator recalled earlier Defense Department efforts to belittle the problem. Kelley now made no attempt to minimize it and promised a program of action, "still in the formative stage," to deal with heroin in Vietnam. He did not hesitate to call the past year's developments there stark and alarming, pointing out that of sixty-nine military drug-related deaths in 1970, the Army alone in Vietnam had forty-two from opiates and eight from barbiturates.

Kelley could not give firm statistics on the number of American military personnel in Vietnam using heroin or other drugs. He volunteered, in fact emphasized, that the use of hard narcotics is spreading and that the heroin readily obtainable there is twenty times as powerful as that sold in the United States at ten to twenty times the price.

"By the most conservative estimate of the heroin-use rate in Vietnam," Kelley said, "one must conclude that altogether too many of our military men are using it. During the first quarter of 1971, more than 3,600 Army personnel asked for help under amnesty programs to overcome their dependency on heroin."

Defense Secretary Melvin Laird set up a task force at Kelley's recommendation more than a year ago. In October 1970, the Defense Department issued a new policy on drug abuse. It provided that all military personnel were to be informed of the hazards and consequences of using drugs. It called for maximum effort to keep drug addicts from entering the Armed Services and to cut off sources of drugs within the services. It said drug abusers must be dealt with "quickly, firmly and fairly, but with enlightened methods."

It encouraged military drug users to turn themselves in for help, but on the vital question of amnesty, the directive used this cautious wording: "The military services are encouraged to conduct amnesty programs on a trial basis. These are to test the effectiveness of voluntary programs in which the military drug user can receive help without fear of reprisal because of his identification with the treatment program."

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Huffaker, News & Observer (Raleigh, N.C.)

As Senator Hughes, Sen. Richard S. Schweiker (R., Pa.) and others were prompt to say, the directive is flabby. It does not order amnesty; it merely encourages and permits it. Furthermore, the way is left open to various military-style actions that might discourage drug-dependent persons who are thinking of submitting themselves for treatment. There is no uniformity.

The Army, which has the most people and the worst problem, was the first service to offer a voluntary treatment program for drug abuse; it started in the Fourth Infantry Division in Vietnam in March 1969. The Army adopted the program throughout Vietnam in October 1969 and later put it into effect everywhere. Last December, the Army promulgated its version of amnesty which, Hughes and Schweiker noted, leaves the policy up to individual commanders, most of whom do not execute it. The Air Force took action in March, guaranteeing no harsh punitive consequences for those seeking treatment. The Navy acted even more tardily and the Marine Corps was frank to say it would not voluntarily temper its tough attitude toward drug abuse within the corps.

There has been heat on Congress from families of veterans who have come home with a drug habit and not been able to get adequate care. Two days before President Nixon sent his special message on drugs to Congress, Senator Hughes's panel held a joint hearing with the Veterans Affairs subcommittee on health and hospitals, headed by Sen. Alan Cranston (D., Calif.). Hughes pointed out that more than 16,000 servicemen had been punitively or administratively discharged for drug abuse in 1969 and 1970. Nearly 11,000 of them were separated in a way to make them ineligible for treatment in a Veterans Administration facility. Cranston charged that most of the drug-afflicted veterans returning to this country in the last several years got no care or attention from the VA. He found it shocking that only 219 inpatients and outpatients were being treated by the VA at five newly opened drug dependence units around the country.

On the day the Senate embraced the amendment putting the heroin problem squarely up to the Pentagon, Assistant Secretary Kelley made a stubborn defense of the military position that the services should not be forced into an amnesty program. He argued against imposing on commanders a leniency that might impair discipline or jeopardize the fighting mission. "We're going to be very careful about tampering with the traditions of the Armed Services with regard to discipline," Kelley said. He paid tribute to the Marines and their record of excellence in combat.

"We'd like to keep deterrents," said Brig. Gen. Robert B. Carney, Jr., deputy assistant chief of staff for the Marine Corps, explaining why the Marines had rejected the amnesty program. The other services also expressed fear that an "all is forgiven" attitude might encourage experimentation with drugs and invite malingering by men who would turn themselves in for treatment to avoid hard duty or combat. It would remove, in any event, the deterrent now provided by fear of punishment. The attitude is similar to that of the Army's one-time search for venereal disease, often a droll cat-and-mouse game in which the afflicted soldier tried to conceal his ailment from the surgeon and was, if detected, given punishment along with treatment. The Army wanted to eliminate VD, but could not bear to see the offender get off scot-free.

President Nixon, in setting up a White House agency on drug abuse and seeking an additional $155 million for fiscal 1972, addressed himself specifically and forcefully to Vietnam. He ordered the immediate establishment of testing procedures and initial rehabilitation efforts there. These will be mandatory. Drug-dependent men will be identified by urinalysis and quarantined for detoxification. Defense Secretary Laird sent out orders straightaway. The Nixon program includes the amnesty principle—for the addiction itself—that is—and various measures to be

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taken after addicts return to the United States. VA facilities are to be expanded and made available, along with private treatment, for all veterans who want it, including personnel with unfavorable discharges.

There is genuine anger in Congress and elsewhere in the nation at the failure of the Defense Department thus far to take measures commensurate with the gravity of the drug problem. It reflects low morale and slack officer supervision at all levels. The military is now, apparently, going to be forced to identify and rehabilitate its addicts. It will not be allowed to hand them a slip of paper and throw them onto the streets. □

SANITY IN CALIFORNIA

LOCKING UP THE TENNEY FILES

JAMES R. MILLS
Senator Mills is President pro tem of the California State Senate.

Sacramento

It has been noised about that the California Senate Fact-Finding Committee on Un-American Activities was recently deactivated because I was angry at finding names of legislators in the committee's subversive files—including my own.

That is only partly right. I decided to abolish the committee not so much because my name was there as because I knew that if the committee saw fit to treat me as a possible subversive, they could do the same to anyone. So far as I know, the one time my family was ever involved with subversive activities was when it took the side of David the Bruce in 1314 against King Edward of England. We were on the side of law and order even in 1776. The committee's potential for impugning the reputations of other innocent people was too great to be passed off as merely the foible of super-patriots.

First used to embarrass liberal Gov. Culbert Olson in 1939, the investigation of so-called subversive elements has had a somewhat erratic history in California. Olson, elected on a "united front against fascism" ticket, had many supporters from Communist and other leftist groups. To pay off these supporters, he found them jobs in the relief administration. Moderate Olson supporters, angry at not being given a chance at the patronage themselves, sought to cripple the relief administration by charging that it was filled with Communists.

Investigations into the relief personnel by then Assemblyman Sam Yorty broadened into a general investigation of subversive activity in the state and led to the creation of the Joint Fact-Finding Committee on Un-American Activities. State Sen. Jack Tenney of Los Angeles, a former night-club piano player, became the committee's chairman. Under his direction the committee, soon to be known as the Tenney committee, scoured the state to find threats to national security. The wartime enemies of this country at that time were Japan and the Fascist states of Germany and Italy. The Communists were supposed to be our allies, but the committee preferred to investigate and publicize Communist activities.

In one of its self-appraisals the Committee boasted:

> The Committee investigating un-American activities in California . . . has not only said "Boo!" to the hobgoblin redbaiter-taboo, but has actually found courage to subpena [*sic*] the medicine men of Communist voodooism and compel them to testify in public hearings.

Committee probes into subversive union activities and Communists on teaching staffs received wide publicity. Spying had become big business, and the committee's 1943 report lists many individuals who volunteered their time to aid in the campaign to identify suspected subversives.

Of course spying does no good if you can't get credit for doing it. Furthermore, the Senate committee provided comfortable retirement spots for deserving political workers. So, the committee was directed to issue reports from time to time, to let the legislature know how far the Communist threat had gone. Since 1940, it has issued sixteen such reports, usually bound between suggestive red covers.

The first decade of the committee climaxed with the publication of what was to be called a "1949 Tenney Red List," in which the committee verified the Communist activities of several well-known persons who had denounced it. The list included John Huston, Danny Kaye, Gene Kelly, Atty. Gen. Robert W. Kenny, Mr. and Mrs. Fredric March, Carey McWilliams, Dorothy Parker, Gregory Peck, Edward G. Robinson, Frank Sinatra and Artie Shaw.

Jack Tenney had come a long way since liquor lobbyist Artie Samish, so he told the *Los Angeles Mirror*, "found him behind the Hall of Justice when he didn't have a dime." *Collier's* quoted Samish's account of Tenney's beginnings in politics: ". . . Artie came upon young Tenney while he was looking for an Assembly candidate to run in a Los Angeles district. 'What's your background? What have you done?' asked Artie. 'I've written the song, *Mexicali Rose*,' said Tenney. '*Mexicali Rose?*' said Artie, a lover of music. 'That's good enough for me.' "

The committee continued as a joint venture until 1947, when newly elected Assembly Speaker Sam L. Collins withdrew his support for the committee. Tenney, learning the news from the pro-Communist *Daily People's World*, confronted Collins with the article on the floor of the Assembly. Asked why he withdrew support, Collins said, "You broke your word."

"Broke my word concerning what?" Tenney asked.

"You promised not to mention any member of the legislature in your reports and you have broken that promise."

The committee often mentioned members of the legis-

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lature; from 1947-50, most particularly those legislators who voted against appropriations for the committee. Sometimes their files contained no other entry.

Tenney bowed out of the spying business in 1950. A move, he said, designed to confuse Communists who were accustomed to the committee's methods. In 1952, Tenney wrote a small book, *The Tenney Committee—An American Record,* referring to himself in the third person.

Sen. Hugh Burns of Fresno succeeded Tenney and the committee retreated from its practice of holding widely publicized hearings. It did continue to issue reports, but for the most part they were compilations of newspaper accounts of activities the staff considered suspicious. People were described, with no advance warning, as being involved in subversive activities. Their only recourse was to ask the committee for a subsequent correction in separate publication—which never attained the distribution of the original report. The accusation remained as a permanent condemnation, to be cited by anyone who so chose.

The committee went on until 1961, when explosive demonstrations attended the House Un-American Activities Committee hearings in San Francisco. The committee staff recited an alarming increase of Communist infiltration in the opening pages of its 1961 report: "Commencing about eighteen months ago, the Communist Party, after languishing in relative inactivity since February 1956, picked up momentum and has steadily been gaining strength."

Americans, and especially Californians, were bound together, once again and at least for a while, through paranoia.

In 1963 there were more investigations. In 1965, Communists were linked with the Free Speech Movement and the University of California. In 1967, Communists were unearthed in the Chavez farm labor movement. In 1968, subversion promoted filthy speech. In 1970, the Communist leanings of the whole New Left in general were disclosed. For all I know, the reports may have been true, but as scissors-and-paste work-ups of news that had appeared in public print, they weren't worth the $90,000 a year (aside from printing costs) the committee was costing the taxpayers.

In its twenty-year life, the committee issued some twenty-two reports. When the committee's files were unearthed from a Fresno warehouse earlier this year, about 20,000 names were found on 3x5 file cards.

To what purpose? A Senate Resolution commending Tenney in 1949 gave a clue: "Whereas, the records resulting from the investigations of these committees have proved valuable to the entire nation, as well as the State of California, and have been cited by the Congressional Un-American Activities Committee and have been useful to the Federal Bureau of Investigation. . . ."

If a cursory check of the files might suggest their value, it is dubious. Many members of the legislature, including myself, were listed for having attended a legislative conference of the ILWU in 1961. This affair took place in Sacramento and we were invited to drop by for cocktails. Most members of the legislature who represented port areas accepted. They were then listed by the committee, which apparently considered the longshoremen's union subversive.

Any legislative committee, hiding behind immunity from libel and slander, that can cast guilt by such slim association is not fit to exist. My opinion is, however, that the files themselves should not be destroyed, because one day some material in them may be deemed valuable. Major governmental decisions should not be irrevocable. To order the destruction of the files would not only be making a decision for ourselves but also for future legislatures elected by different constituencies. The files are now sealed in the state archives and cannot be seen by anyone without permission of the Senate Rules Committee—and that will be very difficult to obtain.

The most salient criticism of the committee is that legislative committees exist to consider and produce legislation. This committee did not do so. Judged by the usual rules, it had no reason for being.

If the current stop to the Un-American Activities Committee's activities should only turn out to be a moratorium, then I hope it is a useful one, so that if the committee or anything like it is ever revived, the Senate will be prepared to organize it to pursue proper legislative goals by fair and reasonable courses. □

CAMPAIGN HOPE CHEST

SOMETHING BAD FOR EVERYONE

SAMUEL C. BRIGHTMAN
Mr. Brightman is former deputy chairman for public affairs of the Democratic National Committee.

Washington

The present system of financing political campaigns offers something bad for everybody—challengers and incumbents; Democrats, Republicans and third parties; big contributors and small contributors, and the citizens at large. At the moment, the Congress is sniffing at the problem with maximum caution and minimum enthusiasm, leery of taking the action which common sense, and a minimum regard for morality and the political health of our society, quite obviously require.

There are several reasons why so little is happening so slowly. The President, whatever his party, has been elected by the system which needs changing, but since he won under the old rules (or lack of them) he attaches no high priority to becoming involved in changing them. The sitting members of Congress, whether there because of the

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severe financial inequities in House and Senate races or despite them, also feel no great urgency for reform.

However, with the two-party system growing visibly rickety, with increasing public awareness of the unpleasant aspects of political finance, with rising demand for reforms from the media and "opinion molders," with the White House having promised to offer something better than the bill the President vetoed in the last Congress, with the Democratic Party in worse fiscal shape than the Pennsylvania Railroad—the country just might get some meaningful campaign reform out of this Congress.

In fund raising, the Democrats are up against the wall, and the writing on it is ominous, not only for Democrats but for all of us. Items include:

For the ordinary citizen to read: The amount of money which comes to politics from sources that have interests other than a full debate of the issues grows bigger as campaign costs mount. Every year it becomes more expensive to persuade and manipulate the electorate, and the need is not being met by Cub Scouts selling old newspapers to raise funds for clean politics. Increasingly, money is influencing the positions of candidates for nomination, the positions of candidates for general election, and the content of platforms.

For the politicians to read: Campaign analysis shows that the Democratic and Republican Parties cannot get adequate operating, let alone campaign, funds from small contributions. However, operations hostile to the two-party system—George Wallace, and John Gardner's Common Cause, for example—are collecting adequate funds from people who do not give to the Republicans or Democrats. The Republicans say Common Cause helps the Democrats, but who believes that harassed Democratic treasurer Robert Strauss really prefers to have all that money in the hands of John Gardner instead of in the coffers of the Democratic National Committee?

The politicians might also ask themselves if they do not feel slight discomfort in the areas of conscience and self-respect, accompanied by an uneasy sensation that they are marching more to the drums of the dollar than to the beat of the voter. There is evidence that money is pushing both parties away from positions that would offer voters the most meaningful choice, while at the same time appealing sufficiently to the broad middle of the electorate so that one party can elect a President with a majority vote. Will money pressures in 1972 push both parties into positions which result in another minority President? And isn't there something very wrong with a system that costs both parties more and more to win votes from less and less of the electorate?

And principle aside, one must also ask whether the Democrats have lost their instinct for survival. Since the Republicans outspent them 2 to 1 to elect the warmed-over Richard Nixon President, why don't they use their Congressional strength to redress the financial imbalance?

A new book, *Financing the 1968 Election,* by Herbert E. Alexander, dissects the fiscal corpse of the 1968 campaign in goriest detail. Anyone reading it must ask himself why Hubert H. Humphrey didn't step up to the podium on the final night of the Chicago convention, make a brief acceptance speech saying, "Thanks anyhow, folks," and retire to Minnesota to fish and swim. Any Democrat reading it must ask whether the Democrats, living on borrowed money (and from Jake the Barber at that), are not also living on borrowed time. Any Republican must ask what kind of party it is that outspends by 2 to 1 the ragged, combat-weary survivors of the battle of Chicago, only to win by the skin of its teeth.

Here are some items from Mr. Alexander's meticulously researched facts and figures:

¶The total bill for the 1968 election reached $300 million, up 50 per cent over the spending orgy of 1964.

¶It cost at least $100 million to elect the President. There must be days when even Richard M. Nixon wonders whether it was worth it.

¶$17.5 million in contributions of $500 or more was officially reported—73 per cent to the GOP, 21 per cent to the Democrats, the rest to Wallace. (Most of us wonder whether to give $5 or $10—those few who give anything.)

¶424 contributors gave more than $12 million in amounts of $10,000 or more.

¶New York and California provide almost half of the $500-or-more contributions, which many will say decide who gets nominated and who wins the election.

¶At least half, and possibly more, of Humphrey's campaign expenses were paid for by contributions and loans from about fifty persons. More than $3 million was loaned by forty-three persons. Records show that John Factor loaned $240,000; that his wife gave $100,000. Alexander identifies Factor as "real estate, Los Angeles, Calif." In newspapers he has also been identified as "Jake the Barber." Understandingly, the book's loan section raises more questions than it answers.

The simplest way to keep special interest money out of campaigns and to prevent rich candidates from buying their way into nomination or into office would be to limit campaign expenditures to specified amounts, which would be paid for out of tax funds. But since that will not happen in time for the 1972 election, the idea can be tabled for the time being.

Putting a limit—$5,000 is suggested—on how much one person may contribute to one campaign for office would seem a reasonable way to stop unhealthily large contributions, to prevent a rich candidate from financing his own campaign and, since the Republicans get most of the big donations, to restore some equality of campaign spending between the Democrats and Republicans. This provision has just been knocked out of the Senate bill for campaign reform. The Democrats have a majority in the Senate and in every committee, and they are supposed to be smarter Congressional operatives than the Republicans; but Senate Minority Leader Scott, with signals from the White House, is outmaneuvering them.

The bill would cut radio and TV rates for politicians, a measure that some broadcasters understandingly deplore as unfriendly. After fiddling around with ceilings for broadcast and print media expenditures, the Senators have placed a ceiling of 10¢ a vote on all media expenditures, with no limit by category. At 10¢ a vote, a Presidential race could buy $17 million worth of air time at 1968 rates, whereas only $12 million was spent in 1968.

That is not all. The bill would suspend Section 315 of the FCC Act, so that major party Presidential debates

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could be held without protest by any minor candidates. This free time, plus the 10¢-a-vote-time, would add up to a lot of Presidential TV.

However, since Mr. Nixon lost his appetite for TV debates in 1960, the Republicans propose to suspend Section 315 for all federal races as well as that for the Presidency. This would mean free air time for those challenging incumbent Senators and Representatives of both parties and is not popular with incumbents on Capitol Hill. So, will the Democrats have enough strength and guile to suspend 315 for the Presidential race, while keeping it in to protect them against potential opponents; or will the GOP outfox the Democrats, forcing them to give up repeal of 315 at the Presidential level in order to retain it for the Congressional races? Incidentally, the networks say that it is not only the expense involved in extending time to all candidates (as Section 315 requires) that troubles them. They report that the audience for major candidates is small

enough, and that airing the small fry would darken screens all over the country and enable people to discover that they could live without watching television.

Since the Senate committee would not for the moment tolerate a $5,000 limit on individual contributions, perhaps something could be done to encourage small contributions. Two proposals are the tax deduction, which would help quite a few Republicans; and the tax credit, to be taken off the actual amount one owed the government, which would help the Democrats. But for either party how much help is enough?

At the moment, the Democrats are getting small contributions at the rate of about $1 million a year and the Republicans at the rate of $3 million a year. If tax credits and/or deductions tripled these figures (a dizzily optimistic estimate), the parties would still be an impossible jump away from the kind of money they have been spending and intend to go on spending. Some form of the Russell Long proposal—to permit each taxpayer to allocate $1 of his payment to finance the campaign, with the money to be divided up on a past vote formula—might have a chance of revival in this Congress. After all, something is better than nothing, and the Long plan would be a step in the right direction.

The Senate bill would make it illegal for corporations to lend money to political parties by the device of giving them extensive credit. This is already illegal, but the Senate thinks that if it made the practice illegal twice, the Justice Department might enforce it. A small joker has been suggested about security, the Republicans knowing that the Democrats can operate on borrowed time with borrowed money only by getting it without security. Anyhow, the Republicans probably will be able to create a credit gap for the Democrats to match the credibility gap the Republicans are creating for themselves.

Since an incumbent President needs to spend less money than his challenger, why don't the Republicans, who seem to control the Congress these days, put on a ceiling large enough to meet the needs of Mr. Nixon and low enough to hamper the Democratic challenger—particularly since the Democrats show no ability to reach even a modest ceiling? The answer is that political reforms linger on, and they don't want to handicap some future Republican who might be running against a Democratic incumbent.

Another matter over which light sparring is going on is a provision that would require a public accounting of the sources and disposition of campaign funds, to be released early enough for the voter to ponder it before the election instead of months after. It is also suggested that a high-level commission be set up to supervise the whole messy business.

All of this goes on without creating nearly the public attention it deserves; excitement would probably not become feverish even if Alexander and his book full of shocks were on the Cavett and Carson shows two nights running.

Money and lack of money are causing stresses and strains on our political process which will weaken it beyond repair sooner or later—sooner, in my opinion. Right now, $100,000 contributed to a candidate for Presidential nomination is far more important in affecting his fate than 100,000 voting supporters wearing his campaign button.

Do we really want a candidate for nomination to be forced to give more thought to what the people with money think than to what the people think?

Do we who vote and make the choice really want one side to be silenced before the debate is over because the money has run out? If we do want something else, we had better let the candidates and the Congress and the President know it. □

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PERON: THE HOMESICK DICTATOR

RICHARD O'MARA
Mr. O'Mara, who formerly reported from Latin America, is an editorial writer on the Baltimore Evening Sun.

For nearly sixteen years Juan Domingo Perón has been promising to return from his exile in Spain to his home in Argentina. For the same length of time the Argentine army has been threatening to arrest him if he does. Prudently, Perón has remained in Madrid.

No one has ever doubted the ex-dictator's desire to be home again. His banishment has been sweetened by the hundreds of millions of dollars he took with him when he fled Argentina in 1955 with the army at his heels. Nonetheless, Perón has felt the exile's pain of the spirit, and it grows more intense as he ages. Perón is 75. He made one attempt to return, in December 1964, but his plane was turned back in Brazil. Today his chances of getting home are better than ever.

Recently, Gen. Alejandro Lanusse, who became President of Argentina in early April after deposing Gen. Roberto M. Levingston, said Perón could come home if he were willing to stand trial on a charge of statutory rape that has been held against him these many years. After his wife Eva died in 1952, Perón developed a taste for young girls, and was not above parading around with his favorite 14-year-old concubine. Argentinians are straitlaced, and Perón's affront to their morality is recalled with perhaps even more bitterness than the fact that he robbed the country of so much cash.

Not long after General Lanusse announced the conditions for Perón's return, they were altered in his favor. An Argentinian court decided, and an appeals court has recently agreed, that the statute of limitations has expired on the rape case. There are no charges against Perón for absconding with part of the treasury, for it was never proved. The last barrier is down, and the next move is up to Perón.

Will he or won't he? The question teases the mind of every Argentinian. A rumor making the rounds in Buenos Aires, and reported in *La Nación*, indicates he may be having second thoughts about returning, or at least about getting deeply involved in politics. When informed that the way was clear, Perón reportedly mused: "I am getting too fat to get back into my colonel's uniform." (Perón always was the master of the *bon mot*; once, when confronted with persistent opposition to his regime from the university, he enjoined his followers to "Kill a student for your country!")

Another question that needs answering is why the armed forces have retreated from their implacable opposition to Perón's return. It would be difficult to overestimate the degree of hatred that the officer corps retains for Juan Perón. He was one of them, a minister in the government of Gen. Edelmiro Farrell in 1943. But then he betrayed his class. He neutralized the officers' power by buying the allegiance of the army's noncommissioned officers and its rank and file. The officers never could trust their troops as long as Perón was in power. And even with loyal troops, few were willing to challenge Perón and face the wrath of Argentina's millions of industrial workers. Perón held that mass in check like a great and hungry beast, and more than once he let it slip.

However, Perón could not cow all his former colleagues, and a number of attempts were made to overthrow him before the last successful one in September 1955. General Lanusse was himself involved in an attempted coup in 1951. For that he spent four years in a Patagonian prison. As a reminder of those years, Lanusse has hung his old cell door on his office wall.

But Lanusse is a man of seasoned judgment. He knows well that for nearly his entire adult life Argentina has been aimlessly adrift, that his country, so rich and potentially powerful, has become politically absurd and economically unviable. Argentina's economy, after having leveled off in recent years, is again dipping into one of its periodic nose dives. Foreign reserves have fallen to $200 million from $1 billion in 1966. A new wave of inflation is breaking. Meat exports are down for the first quarter of this year. To the sorrow of every Argentinian, meat has been rationed. To his shame, some is even being imported for domestic consumption.

Ezequiel M. Estrada, an Argentine statesman, once said that "All Argentine history is military history." This has been true since 1930, when the army overthrew the great Populist, Hipolito Irigoyen, and especially true since 1955 when it overthrew the country's second great Populist, Juan Perón. And one characteristic of military history is that it repeats itself. Since Perón's fall there have been eight Presidents of Argentina; only three have been civilians; none finished his term. To break out of the pointless cycle of military rule and Presidential musical chairs a drastic step needs to be taken. General Lanusse appears willing to take it.

Concomitant with his announced willingness to allow Perón to return, General Lanusse has promised a return to civilian rule. He authorized the Interior Minister, Arturo Mor Roig, to promise elections in about two years. There hasn't been an election in Argentina since 1965, and it will take that long, Mor Roig said, to get the machinery oiled up and new voters lists published. In any event, General Lanusse says he will step down no later than October 1973 and turn the reins of government over to the people's choice in a free election.

And what if that person is Juan Perón? Such a thing could not occur without terrible consequences. Argentina may be able to withstand the shock of *El Lider*'s return, but never his return to power. Were it to happen, the oligarchy would drain the banks of their every cent, the middle class would take to the streets, and the army would go to war with itself. Still, Lanusse seems willing to risk the cataclysm.

Specifically, what he appears about to do is to confront Argentina's most intractable problem, a problem which grows out of the almost mystical influence that Perón exer-

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cises over Argentinians. They either hate him or love him; few are indifferent. The fear of him is strongest within the army itself. For the past decade, success at the polls by Peronista-oriented parties has triggered one coup after another. General Lanusse appears to be the first leader in the armed forces prepared to deal with the situation, to offer Perón the opportunity to return and have his chance to win power. The General is gambling that he will not succeed. If he doesn't, Perón's spell will be broken. Indeed, Perón himself seems to understand Lanusse's purpose. Richard Mowrer writes from Madrid in the Baltimore *Sun* that Perón sees "the whole operation [as] . . . conceived for just one purpose: to destroy the Perón myth."

Not all of General Lanusse's colleagues have been willing to go along. Among those who are not were the dozen or so officers arrested on May 12 for plotting against the Lanusse government. Their leader was Gen. Eduardo Rafael Labanca, an extreme nationalist and typical exponent of a large group within the military who will do everything they can to frustrate Lanusse's plans.

This group would never accept Perón's return. They are hard-liners, Fascists really, who have no liking for the electoral process or for sharing power with the Peronistas. For the past ten years they have been trying to impose a stern, repressive dictatorship upon Argentina, a much more Draconian regime than anything the country has experienced before. It will be General Lanusse's task to keep this group at bay, to prevent them from recruiting among the officer corps in the tense months ahead.

Lanusse seems to be choosing the correct, if more difficult path, and indeed he has some things working for him. First, the Peronista movement, like the miltary, is split; there are many in it who think Perón makes a better symbol in Madrid than he would a leader in Buenos Aires. Perón, if he presented himself to the voters, would find that not all of his professed followers were following him.

Also in Lanusse's favor is the fact that Perón is old and that a return may be psychologically too much for him. Mowrer thinks that Perón himself fears that, should he return, he would automatically divest himself of the romantic aura that time and distance have lent to his image.

Portland Oregonian

Departure of the Peróns

Finally, there is the question of precedent. For all ex-dictators the return to Argentina has been difficult. Today, as Juan Perón ponders his alternatives in his Madrid villa, the plight of his predecessor, Juan Manuel de Rosas, must occupy some of his thoughts.They were alike in that they evoked strong, undiminishing passions. Rosas was Argentina's first dictator. He was overthrown in 1852 and fled to exile in England where he died. Feeling is still strong in Argentina against the return of his remains. Perón must realize that if he doesn't go home now, he may never make it. □

Short Tempers on the High Bench

BARRY SCHWEID
Mr. Schweid is a Washington newsman who reports on the Supreme Court.

Washington

Supreme Court Justices have squabbled since the beginning of time. The Jackson-Black ethics fight at the end of World War II and the Warren-Frankfurter spats in the late 1950s and early 1960s come readily to mind as recent instances.

But precedent does not dim the significance of the open friction on today's high Court. As always, it gives evidence of the enormous ego and concern that motivate Justices, but it also indicates, as did the Warren-Frankfurter fights, that one era is closing and another just beginning. Chief Justice Warren E. Burger, ably assisted by his judicial look-alike, Harry A. Blackmun, has piloted the Court gradually, sometimes with interruption, but inexorably to the Right. This has often isolated the liberals, William O. Douglas, William J. Brennan, Jr. and Thurgood Marshall, into a minority bloc.

Although Douglas has been slowed down a bit by his troubles with the House, Marshall by a bad siege of pneumonia a year ago, and Brennan's spirits are dampened by family illness, all three have exploded, occasionally with open sarcasm, over the drift toward the Right and away from settled decisions of the Warren Court. It evidently is particularly galling that the shift is led by

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Justices appointed by a President avowedly committed to "strict constructionism."

For instance, Douglas grumbled in a little noticed longshoreman case that it was "surprising to find law made by new judges taking the place of law made by prior judges." Dissenting from a wire-tap ruling, he lectured Burger and Blackmun that "strict construction" of the Bill of Rights is necessary "if every man's liberty and privacy are to be constitutionally honored." He compared a welfare decision written by Blackmun to 19th-century immigration laws directed at the "moral pestilence of paupers," and said Blackmun's philosophy was "ideologically of the same vintage." And when the Court refused to split death-penalty trials into two phases, he remarked that the ruling was "a tour de force by a majority that stops the growth and evolution of procedural due process at a wholly arbitrary line or harkens to the passions of men."

Brennan, objecting to a ruling on confessions that partly undercuts *Miranda,* declared, "it is monstrous that courts should aid or abet the law-breaking police officer." When the conservative majority held that Louisiana could deny inheritances to illegitimate children, he wrote, "today's decision cannot even pretend to be a principled decision." Later, when the rights of naturalized citizens were reduced, he began his dissenting opinion sourly: "Since the Court this term has already downgraded citizens receiving public welfare and citizens having the misfortune to be illegitimate, I suppose today's decision downgrading citizens born outside the United States should have been expected." Then, when the Court approved the way the death penalty is imposed, Brennan said that never before in its history had it sustained "such an unguided, unbridled, unreviewable exercise of naked power."

Marshall, meanwhile, scored the conservatives for "a tendency to lump together the burning of buildings and the peaceful but often unpleasantly sharp expression of discontent." About Blackmun's welfare decision—approving the suspension of benefits for mothers who bar case workers from their homes—he said: "I find no little irony in the fact that the burden of today's departure from principled adjudication is placed upon the lowly poor." And when the Court gave the voters in towns and cities all over America the power to block construction of low-rent public housing projects, he said, this time with Blackmun's support, that "singling out the poor to bear a burden not placed on any other class of citizens tramples the values that the Fourteenth Amendment was designed to protect."

The grand master of the biting dissent, the scornful phrase, is, of course, the venerable Hugo L. Black. Though, at 85, his liberalism occasionally lags, his zest for combat is as strong as ever. When he loses he lets fly, whether the majority is conservative or liberal. Frankfurter's old "shock the conscience test," that the Court should decide cases with an eye to what is "fair" or "decent," still gets his goat, particularly when practiced by John M. Harlan. Black gets just as angry when the Court sets out to "balance" one principle against another.

"Those who wrote and adopted our Constitution and Bill of Rights engaged in all the balancing necessary," he said of a jury trial decision. His spiciest and most delicious moment of dissent came recently when the Court chipped away at the citizenship standard he had erected in happier days:

> Of course, the Court's construction of the Constitution is not a "strict" one. On the contrary, it proceeds on the premise that a majority of this Court can change the Constitution day by day, month by month, and year by year, according to its shifting notions of what is fair, reasonable and right.
>
> There was little need for the Founders to draft a written Constitution if this Court can say it is only binding when a majority finds it fair, reasonable and right to make it so. That is the loosest construction that could be employed.

Not all the needling comes from the liberal side. Byron R. White described an argument by Harlan as "threadbare" and "without any basis in reason." Potter Stewart called a judicial theory of Black's "plainly and simply wrong as a matter of fact and law." Black, taking a conservative position on a ruling that upset a burglary conviction, accused the majority of feeding public belief that "our Court really enjoys frustrating justice by unnecessarily turning professional criminals loose."

The differences are, without a doubt, deep and serious. But are they really personal? It's hard to tell, security at the Court being as tight as it is. But the answer probably is No. About ninety years ago, Chief Justice Melville W. Fuller decided the Justices ought to shake hands before they voted. The tradition continues to this day; thirty-six handshakes in all. There is no reason to believe that the private, weekly conferences on pending cases are loud or undignified. When Douglas, the Court's most pronounced liberal, held a news conference to say

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that he would not be forced from the bench by House headhunters, he paid compliments to Burger and Blackmun. He called Burger "a fine Chief Justice" and declared that "it is a pleasure to work with him." He said Blackmun "is what the mountain men I knew in the far West would call a 'stout fellow.'" In much the same spirit, Harlan will bring his tray over to sit with Black in the Supreme Court cafeteria.

And yet—could Burger have had the Court in mind, just a bit, when he decried in a recent speech the "atmosphere of incivility" he saw created by lawyers, the news media, legislators and judges? □

GIBRALTAR: SMUGGLERS' ROCK

ORLANDO MARTINEZ
Mr. Martinez, a Mexican-American journalist, has been working in Europe since World War II. He is the author of Essays in Latin American Journalism *and* Mexican-American War: 1846-48.

Madrid

The dispute between England and Spain over Gibraltar has been in suspense since the Spanish cabinet reshuffle in the autumn of 1969. It could begin to simmer again when Foreign Secretary Sir Alec Douglas-Home visits the Rock at the end of next September. Lopez Bravo, Spanish Foreign Minister, has recently spoken of Spain's desire to exert greater influence in the Strait of Gibraltar, as this would no doubt enhance Spain's position in the Mediterranean, if not the Western world.

Entering Gibraltar, one immediately becomes aware of the emotional tension the future of the Rock fortress has generated. Most people one speaks to in Gibraltar are determined to remain under British rule, but all Spaniards, even those university students, intellectuals and industrial workers who from time to time have protested against their government, wholeheartedly support Madrid in its demands for the return of the Rock. No matter who emerges eventually to head Spain's government, insistence upon sovereignty over Gibraltar is certain to be a diplomatic issue of growing urgency.

Some time ago Spain's Minister of Foreign Affairs proposed to the British Government that a convention be signed on the status of Gibraltar. It contained four demands.

The first article, it was proposed, should cancel Article I of the Treaty of Utrecht, which in 1713 gave Britain hegemony over the Rock, and should restore Spanish control. This would not be without precedent. An article of the same treaty, granting English ships a monopoly in the transport of slaves to Spain's American colonies, has long been abrogated.

By a second article, Spain would accept the presence at Gibraltar of a British military base whose structures, legal situation and coordination with the defense organization of Spain or the Western world would be subject to the negotiation of a special agreement to be attached to the convention. Gibraltar is today a NATO base, while the U.S. naval and air bases in Spain are officially under Spanish control.

Spain proposed a third article, stipulating that legal provisions to protect the interests of the present citizens of Gibraltar should be the subject of an additional Anglo-Spanish agreement. This agreement, in addition to providing appropriate economic and administrative formulas, would establish a statute whereby, among other fundamental rights—such as freedom of religion and the press—*the British nationality of the present inhabitants of Gibraltar would be respected and their right of residence would be guaranteed,* as also the free exercise of their lawful activities, and a guarantee of permanence in their place of work.

Finally, a fourth article specified that the convention would be effective after the two additional agreements, to which reference is made in the second and third articles, had been signed and registered in the United Nations.

British opposition to any change in the *status quo* is based on the principle that the 19,000 native-born Gibraltarians should determine for themselves who should manage their socioeconomic and political life. They have continually voted to oppose Spain's control of the 2½-square-mile colony. On the other hand, the Spanish workers upon whom the economic life of the community depended, prefer that Spain be granted sovereignty over it. These people have never had a voice in the affairs of Gibraltar and their feelings are never taken into consideration when the affairs of the Rock are discussed. Actually, these Spaniards, who for the most part live in La Linea, just outside the base, are descendants of the original Gibraltarians, who were removed from the Rock when the British occupied it. Those living on Gibraltar today possess little or no Spanish blood, being descendants of Maltese, Cypriots and other British colonials who were brought in to supplant the Spaniards.

Gibraltarians, who enjoy the benefit of British nationality without having to shoulder any of its responsibilities —for instance, high taxes or military service—naturally oppose any change. Nor is their attitude toward Spain motivated by conspicuous dedication to democracy. Alien ethnic groups—Indians, Chinese or Africans—are not per-

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mitted to settle in Gibraltar today, although Europeans are freely admitted. The resident Indians settled there years ago.

To refer to Gibraltar as a "democratic fortress" is a contradiction in terms. Unlike most other colonies, Gibraltar is not a civilian settlement sustained by military authority but a military fortress into which a civilian community has made its way, because catering to the needs of the garrison and trading under its protection soon proved to be lucrative activities. Gibraltar is dependent upon the armed services for at least 60 per cent of its legitimate income.

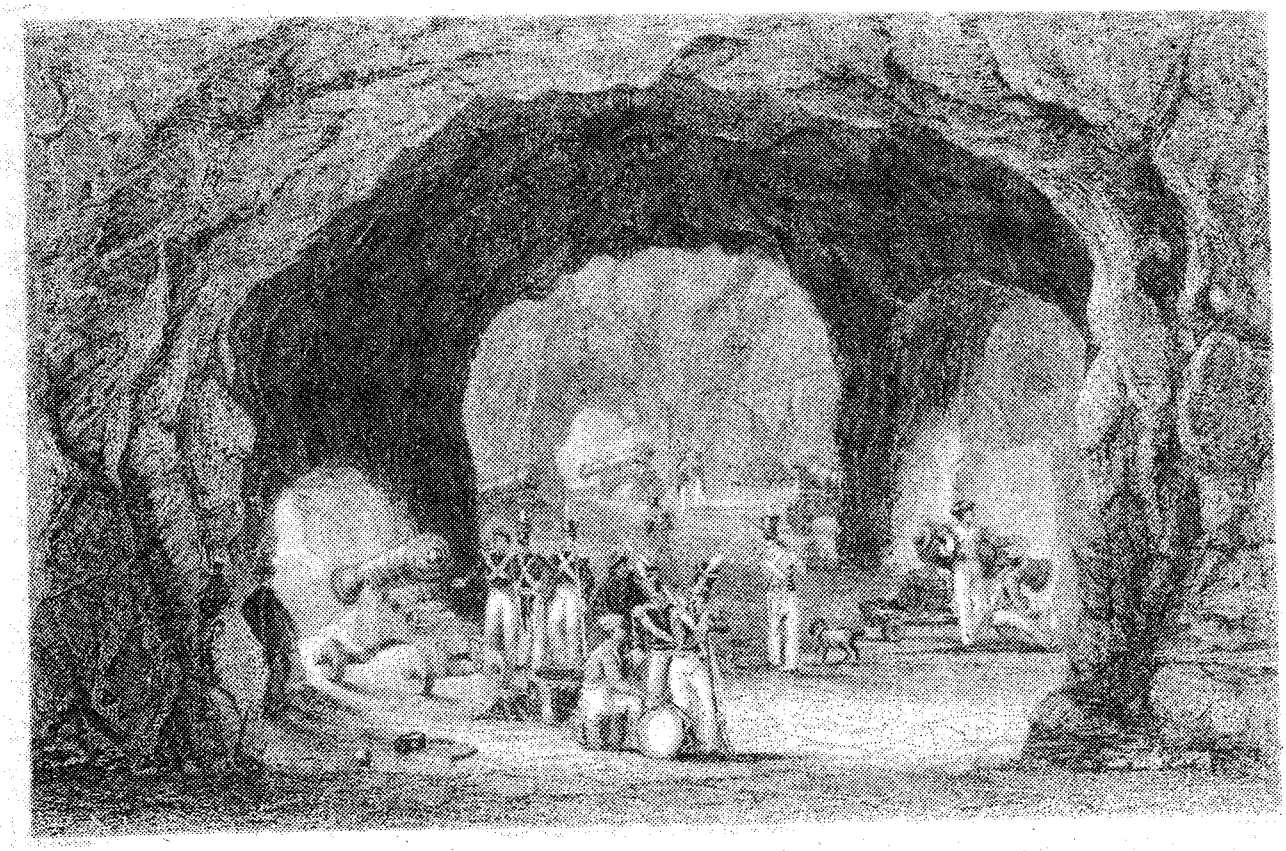
It is an open secret, however, that smuggling provides the real base for the economic life of the barren rock. The contraband commerce has become a substantial economic problem for Spain in recent years, total losses to the Spanish exchequer between 1961 and 1970 attaining the considerable figure of £25 million. An indication of the volume of clandestine traffic coming out of Gibraltar is the fact that the residents—a total population, civilian and military, of 25,000—annually import more than $5.5 million worth of American tobacco, whereas the whole of Spain, with 33 million inhabitants, imports no more than $4.5 million. As late as 1969, more than 8,000 automobile owners avoided Spanish taxes by having their cars registered in Gibraltar. And yet the colony has but 12½ miles of streets and roads!

Spanish protests about the use of their air space by British aircraft is based on the fact that the Gibraltar airport is not even on Gibraltar, but on neutral ground that lies between the Rock base and Spanish territory. The land on which this airport was built in 1939 during Spain's Civil War, and used today by NATO planes, is Spanish territory that was never ceded. Boiled down to its essentials, Spain's attitude about this air base is not unlike the late President de Gaulle's under similar circumstances. While Spaniards are prepared to accept risks that could escalate into a nuclear war on behalf of alliances in which Spanish interests are served, they are not prepared to do the same for foreign interests and alliances—least of all when a modern war would probably turn Gibraltar and its airport into a target for nuclear weapons.

Gibraltar is the only foreign enclave in a European nation. In the words of British historian Arnold Toynbee: "Gibraltar? It is a thorn in Spain's flesh. Would the British people like to see a Russian or Chinese fortress at Land's End or in the Channel Islands?"

No matter what form of government evolves in Madrid, those who follow Iberian politics are certain that the 258 years of British rule of the Rock are numbered. The influence of Spain in world councils steadily increases. Not only do Russian, Czech, East German, Yugoslav and other East European tourists visit the country but Spanish travel agencies urge Spaniards to take advantage of the package tours available for Eastern Europe. In April, Spanish and Polish officials signed in Warsaw an agreement to facilitate trade between the two countries, and on the 26th of the same month a delegation left Madrid for Prague to establish the first intergovernmental commercial treaty between Spain and Czechoslovakia.

Spanish officials and the press are ever proclaiming the



St. George's Hall, Gibraltar: 1880

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blood ties that bind them to the rest of the Spanish-speaking world. Mexico, the last holdout against Franco's government, is soon to exchange diplomatic missions with Madrid. Spain's government has from the beginning maintained cordial relations with Castro's Cuba. During recent years of the Middle East crisis, Spain has increased its influence with the Arab nations. And since Gregorio Lopez Bravo became Foreign Minister in October 1969 he has made three visits to Cairo. Spain's nonrecognition of Israel stems from the fact that one of the first votes cast by an Israeli delegate to the United Nations was to exclude Spain from the organization. It is also possible that Spain will be admitted to the European Common Market before Britain.

All this leads Madrid to assume that many nations will take a favorable view of Spain's demand for sovereignty over a small bit of its own real estate—a barren rock of no economic and little military value. □

LARRY EUGENE WARD

STAKED OUT FOR SLAUGHTER

JON R. WALTZ
Mr. Waltz is a professor of law at Northwestern University. His books include The Trial of Jack Ruby *(Macmillan),* Principles of Evidence and Proof *(Foundation Press), and the recently published* Medical Jurisprudence *(Macmillan). He is a frequent consultant to the United States Commission on Civil Rights.*

Nicholas von Hoffman, the *Washington Post* columnist, recently called Richard T. Cooper, Midwest Bureau Chief of the *Los Angeles Times*, a "first-rate newspaper man." That is high praise from von Hoffman, or anyone else, and in the case of Cooper it is true.

A first-rate newspaper man is a lot like a first-rate trial lawyer in that both are willing to investigate a matter thoroughly and communicate their findings articulately in order to inform others and, sometimes, to get them to do something about a bad state of affairs. They do so even when they know that people with information will be hard to find and, when found, will be uncommunicative if not downright abusive.

Cooper's story about Larry Eugene Ward, late of Seattle, Wash., appeared away back in section H of the *Los Angeles Times* for May 2, 1971. Ward, as Cooper put it, "was as anonymous as a particle of smoke." He was 22 years old when he died, a resident of the "Central Area," which is what they call Seattle's black ghetto. Ward had been to Vietnam, where he was wounded twice and decorated three times for combat services. But Ward died not on an Oriental battlefield but in his home town, early in the morning of May 15, 1970, shot by the agents of law and order as he fled the scene of an attempted bombing.

The manner of Ward's dying, and the events leading up to it, raised questions that have perturbed almost no one outside Seattle's black community. The questions raised by his death, and by Cooper's digging into it, have not galvanized Atty. Gen. John Mitchell into action, nor have they been sufficiently compelling to induce J. Edgar Hoover to prejudge the case publicly. About all that has happened is that one first-rate newspaper man, who deserves a Pulitzer Prize, has seen his investigative reporting buried eight sections deep in one newspaper.

Larry Ward was shot by members of the Seattle Police Department's tactical unit at around 2:30 A.M. as he ran from the doorway of the Morris Hardcastle Real Estate Office, an enterprise that, rightly or wrongly, is thought by Seattle blacks to be deeply involved in maintaining the city's segregated housing pattern. Four officers on the stakeout were in automobiles; two in an unmarked police car and two more, Officers Hannah and Garner, in a private car. All four were in direct radio contact with one another and with the police dispatcher.

Hannah and Garner say they saw Ward approach Hardcastle's and place a package by the front door. Moments later, they say, "a flare of light appeared" and they assumed that a bomb had been lit. Garner says he shouted, "Police officers, hold it right there." Hannah then opened fire with a shotgun. (Hannah later testified that he did not fire until Ward began to run, but police experts stated that two charges from Hannah's weapon struck the doorway area.) Ward fled along the narrow street. Hannah fired again. The two officers closed to within 60 feet of Ward, who veered onto the sidewalk and, according to Hannah and Garner, half turned his upper body toward them. The officers testified that they thought Ward was going to shoot at them, although no gun was visible and none was ever found. Hannah fired again, killing Ward almost instantly. Two other police officers had closed in on Ward from his front by the time Hannah fired the fatal blast. One witness, an informant named Alfred R. Burnett whose role in the Ward incident is intriguing, stated that six or eight men believed to be plainclothes officers were on foot near Hardcastle's at the crucial time. Four additional police cars had also moved in, this witness said. Hannah and Garner had not coordinated their actions with those of other police officers to insure capturing Ward alive because, so they said, they were unaware of the presence of other officers in the vicinity. Were it not for Richard Cooper's investigations, all of this might seem to amount to little more than another example of inept police work. But despite a refusal of cooperation by some of the key participants, Cooper was able to piece together some additional aspects of the Ward matter, only the most disturbing of which I repeat here.

The available evidence indicates that Ward, who apparently was apolitical, had been actively recruited to plant a bomb at Hardcastle's by Burnett, a convicted robber and parole violator who was acting as an undercover in-

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formant for the Federal Bureau of Investigation and the Seattle police. According to Burnett, who has been described by his parole officer as "a super-manipulator . . . the kind of guy who could always slick some other guy into doing his dirty work," Ward was a last-minute choice after Burnett had failed to recruit a former Black Panther for the bombing job. The informant delivered Ward to Hardcastle's in his own car, waited nearby until Ward had been killed, and then was permitted to drive away.

In the two years preceding the Ward incident Seattle had been plagued by a series of unsolved bombings—according to one count, there were more than sixty of them. Public pressure for a solution was therefore mounting, and at some point the FBI and the Seattle Police Department commenced their relationship with Burnett, who was released from prison after he had offered to help solve the bombings. Burnett remained free, at the FBI's request, even after being convicted of an armed robbery committed while he was on parole from another felony conviction. Burnett later said, "The police wanted a bomber and I got one for them. I didn't know Larry would be killed."

Burnett insists that he informed the authorities that he had been unable to recruit the ex-Panther but that he had hired Ward for $75 and that Ward would be unarmed. The officers of the tactical unit say they got their information about the impending bombing attempt from the FBI and that they were not advised that the bomber would be unarmed.

A Seattle coroner's jury, splitting 3 to 2, ruled that Ward's death from police gunfire had been accomplished "by criminal means." This phrase encompasses murder and manslaughter but not justifiable homicide and the jurors had been so instructed. Cooper points out in his *Times* article that "It was the first such verdict against a Seattle policeman in memory." However, after the verdict the Seattle police threatened a protest strike and local officials have declined to prosecute. Requests for a federal grand jury investigation have been fruitless. There the matter rests.

Obviously, Cooper's revelations raise the most serious questions about the conduct of federal and municipal law-enforcement agencies. If serious questions concerning the conduct of such agencies were not currently so common and if the nation had not been further desensitized by years of bloodshed abroad, the case of Larry Ward would be a front-page national scandal.

Ward's case raises first the question of entrapment, an illegal process in which police or their agents induce someone to commit a crime that he evidently would not have committed without their encouragement. Local law-enforcement agencies have a history of using entrapment to run up impressive arrest statistics—hence the body of law explicitly condemning the practice—but not often has a knowing alliance for entrapment been intimated between a local police force and the FBI. And not often have police efforts at entrapment culminated in their killing of the person entrapped. That is an efficient but, at least until recently, unacceptable way to "solve" cases.

Larry Ward's case raises once again the question of police use of undercover operatives. For several years now law-enforcement agencies have been increasingly addicted to this practice; it seems almost to have taken the place of coerced confessions as a crime-solving device. Undercover agents and informants may on occasion be justified, but it seems reasonable to suggest that in times past responsible law enforcers would have balked at the likes of Alfred Burnett.

Putting aside the implication, ominous as it is, that in Seattle a combine of law-enforcement agencies threw a corpse to the public as proof that a vexing series of crimes against property had been solved, there remains the recurring question whether police throughout this country are quicker to employ deadly force against black suspects than against white ones. Just as the Illinois State's attorney's police knew how to go about taking Fred Hampton and Mark Clark alive, but did not, Seattle's tactical unit knew how to take Larry Ward without killing him. Earlier in 1970, when some white radicals fled after planting a bomb near the University of Washington campus, Seattle police chased them down without firing a shot.

Nicholas von Hoffman, who apparently reads the back sections of the *Los Angeles Times*, devoted a *Post* column to Cooper's piece, calling it "An Overlooked Story." The Chicago *Sun-Times*, which has alert people on its staff, picked up Cooper's story and ran a brief editorial calling for a grand jury investigation. But editorials in Chicago newspapers have little influence in Seattle, and von Hoffman is not John Mitchell's or J. Edgar Hoover's favorite observer of the passing scene. (Von Hoffman likes to refer to "J. Edgar Electrolux, the sucker-up of all things dirty.") So far as I know, no other newspaper, no other commentator, has done anything with the story. Because Cooper's article never got much beyond section H of the *Times*, it will be possible for state and federal authorities to avoid looking into the embarrassing Ward incident. The matter grows stale. It will end up, Cooper concludes, as "only another bitter raindrop falling on the black community." □

LETTERS *(Continued from page 2)*

foreign policy in secret, then it ceases to be a democratic state. It is, of course, necessary to conduct diplomatic relations in privacy, but this comes under the heading of strategy, i.e., ways of implementing policy. Unfortunately . . . there has been a great confusion between the terms "policy" and "strategy." Policy means the direction of a state, while strategy is the means of carrying out policy. Military force is one means of implementing policy, but by no means the only method. This confusion between the terms "policy" and "strategy" is clearly seen in the writings of many of the cerebral soldiers. Herman Kahn, for example, uses these terms interchangeably in *Thinking About the Unthinkable.*

It is also quite significant that the Defense Department made this study. According to Henry Adams, the Secretary of State should be the chief Cabinet officer after the President. But, of course, he has not been. Rusk claims that he had never heard of this study. And the documents reveal that the Defense Department was making and implementing policy—a course consistent with the confusion between the terms "policy" and "strategy." *Robert E. Walters*

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BOOKS & THE ARTS

Our Sense of Where We Are

THE ORDER OF THINGS: An Archeology of the Human Sciences. *By Michel Foucault. Pantheon Books. 387 pp. $10.*

RICHARD HOWARD
Mr. Howard's latest translation, of Roland Barthes' Critical Essays, *will be published next year by Northwestern. He is working on a new series of poems to succeed his fourth volume,* Findings, *published this year by Atheneum.*

There are two texts I want to cite on the threshold of any future reading of this (collaborative and unsigned) translation of *Les Mots et les choses*, a work which in its own country made, five years back, as great a stir as speculative intellection *can* make—and we all know they do these things differently in France, for the French keep telling us so. One passage is from the preface and one from the last page, respectively, of two difficult and, upon their appearance, derided books which have now become, in their disciplines, so authoritative as to be, precisely, disciplinary. I quote them because any consideration of *The Order of Things* must deal not only with the book's history but with its author's—and it is, in America, a history of derision and resentment, of grudging praise and disgruntled recognition. My first text, then:

> The composition of this book has been for the author a long struggle of escape, and so must the reading of it be for most readers if the author's assault upon them is to be successful—a struggle of escape from habitual modes of thought and expression. The ideas which are here expressed so laboriously are extremely simple and should be obvious. The difficulty lies not in the new ideas, but in escaping from the old ones, which ramify, for those brought up as most of us have been, into every corner of our minds.

That is Maynard Keynes, at the outset of *The General Theory of Employment, Interest and Money* (1936). The tone affords a kind of deference to "most of us" which we shall not find in the author under review, of course, but the sense of its admonition is just what is necessary for a profitable exposure to Foucault's enterprise. It is, then, quite as likely, Keynes reminds us, that what we know already will keep us from learning what we want to know, as that what we learn will displace and blur what we have learned before. It is a reason, I think, for making the attempt to write distinctively, as Foucault is so roundly—and squarely?—accused of doing; if your effort is, avowedly, to reveal "a *positive unconscious* of knowledge: a level that eludes the consciousness of the scientist and yet is part of scientific discourse, instead of disputing its validity and seeking to diminish its scientific nature," you will need a discursive mode of some force, of some freshness, even of some freakishness. Foucault has invented that mode, and its difficulties are inherent in its distinctions, its opacities in its illuminations.

It is the difficulties, however inevitable, however welcome even, in the nature of the case (welcome because Foucault often proceeds as if the delusive simplicity of a glassy surface was the only way to see into his depths), which lead me to my second liminal text:

> I should claim, then, that for those who find this book contains novelties, it will make poetry more beautiful, without their ever having to remember the novelties, or endeavour to apply them. It seems a sufficient apology for many niggling pages.

Again, the notion that an apology is in order and that the order itself will stand in place of the usual critical impressionism sets forth the difference from Foucault and the congruity with him, for the voice is that of William Empson taking leave of his *Seven Types of Ambiguity* (1930), and it reminds us that certain books matter—provided we have read them with a genuine lending of ourselves at a high rate of interest, a genuine usury—not because we have mastered them but because they have mastered us: they change our minds by changing the kind of questions we ask rather than by providing new answers. As Foucault puts it, with his special eloquence, "these are not, of course, affirmations; they are at most questions to which it is not possible to reply; they must be left in suspense, where they raise themselves, only with the knowledge that the possibility of raising them may well open the way to a future thought." I elicit Empson here because "most of us" know, by now, how right he has proved to be: it is possible to read certain analytical works in order to learn something about not only the object of discourse but about discourse itself. It is a matter of reading, and the level of reading matters, not in the memory but in the apprehension. Very few of Foucault's readers—even among his wider French public, I suspect—will be able to follow the elegant sinuosities of his argument (and his diagrams) among *all* the disciplines he ransacks: the knowledge of living beings, the knowledge of the laws of language, and the knowledge of economic facts. That is not the point. The point is that the natural history of Linnaeus and Buffon has less to do with the "biology" of Cuvier or Darwin in the next century (the post-Classical period, as Foucault calls it) than with the contemporary "general grammar" of Condillac and the analysis of money and wealth of Turgot or John Law; so that what appears, in Foucault's study, are those configurations within the *space* of knowledge which has given rise to the diverse forms of empirical science. Such an enterprise is not so much a history, in the traditional sense of the word, as an "archeology," and that is what Foucault calls it.

Archeology is an arduous science, and this author provides no escalator into his diggings. *Apophantics, pasigraphy, intussusception, mathesis*—Foucault manages indeed to generate a little guilt, even as you are on your way to the dictionary, about your inevitable ignorance of such things and about his familiarity with them, his easy familiarity. In 20th-century French culture, a reflexive one whose favorite versions of Narcissus are Gide and Proust and Valéry, it is only to be expected that a consciousness of consciousness would find, as well, its eloquence. And of course it is an eloquence frequently beyond the means of most of us, this eloquence of consciousness. Yet entertaining as it is to read George Steiner's strictures in the *Times* on Foucault's extravagance, we need not look always across the Atlantic for examples of such linguistic highs or even steeps as Foucault affords; think of Kenneth Burke, of R. P. Blackmur, of Harold Rosenberg—these writers, these thinkers, these philosophers (as uneasy about the label as Barthes and Blanchot and Foucault himself) are still nagged at for the demands of their prose, for the strain put upon "communicability." Let us not—let not even George Steiner—be so convinced about our convictions, in the juridical sense of the word, particularly when some of the trouble, I suspect, derives from the phenomenon of reception-at-one-remove, i.e., from the phenomenon of translation.

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In 1965 I translated Foucault's earlier book *Madness & Civilization*, a work which presented me, my editor, and the reviewers (I still recall the generally gentle Edgar Z. Friedenberg's tart comment that stone walls do not a salon make) a great many problems of diction, phrasing and even, ultimately, sense. *The Order of Things*, which is an echo of Foucault's undertaking to write a history of madness in the Classical age, might be said not only to present but to absent (since no names are mentioned) a great many more such problems, for whereas in the history of madness Foucault was investigating the way in which a culture can determine the difference that limits it, he is concerned here to observe how a culture experiences the propinquity of things, how it establishes the *tabula* of their relationships and the order by which they must be considered. He is concerned, in short, with a history of resemblance: "on what conditions," he asks himself, "was Classical thought able to reflect relations of similarity or equivalence between things, relations which would provide a foundation and a justification for their words? . . . The history of madness would be the history of the Other, whereas the history of the order imposed on things would be the history of the Same—of that which, for a given culture, is both dispersed and related, therefore to be distinguished by kinds and to be collected together into identities."

In his archeology of labor, language and the science of life which was not yet called biology, Foucault dramatizes man's existence, or rather man's invention, between two modes of discourse; that of the Classical period (post-Renaissance to Romantic) and that of our own. As my reference to Empson suggests, I believe it is possible to read these many difficult pages to great advantage, though I do not want to pass over the difficulties without a sample, for as my reference to Keynes suggests, the difficulties are part of the way Foucault has found to free his mind of what is *not* difficult, of what is in fact easy and therefore, merely, known. A mind released from facility will produce, then, a prose like this:

> The methods of interpretation of modern thought are opposed by the techniques of formalization: the first claiming to make language speak as it were below itself, and as near as possible to what is being said in it, without it; the second claiming to control any language that may arise, and to impose upon it from above the law of what it is possible to say. Interpretation and formalization have become the two great forms of analysis of our time—in fact, we know no others. But do we know what the relations of exegesis and formalization are? Are we capable of mastering and controlling them? . . . It is true that the division between interpretation and formalization presses upon us and dominates us today. But it is not rigorous enough: the fork it forms has not been driven far enough down into our culture, its two branches are too contemporaneous for us to be able to say even that it is prescribing a simple option or that it is inviting us to choose between the past, which believed in meaning, and the present (the future) which has discovered signification. . . . .

That is a sample of the difficulties, but it is also a sufficient hostage to fortune, defining the kind of rewards Foucault provides at any point. That I am not qualified, as I have admitted, to *receive* them at any point need not make against a reading of the book—even of the book as a whole. But I am qualified, in the two readings of the book I have made, in French and in English, to remark that on literature, a form of language recently codified, Foucault is quite central to our sense of where we are. After all, in our culture, even the isolation of a particular language whose special mode of being is "literary" is unexampled, is unexplored. And like the structuralists from whom he so rigorously separates himself ("I have used none of the methods, concepts, or key terms which characterize structural analysis"), Foucault is startling in his insistence upon, for literature, a radical intransitivity. In his archeology, or as a result of its findings, literature becomes detached from all the values which were able to keep it in general circulation during the Classical age (taste, pleasure, naturalness, truth), and creates within its own "space" everything which will insure a ludic—as opposed to legal—denial of them (the scandalous, the ugly, the impossible—Sade, Artaud, Bataille); for Foucault, literature breaks with the whole definition of genres as forms adapted to an order of representations and becomes merely a manifestation of a language with no other law than the law of affirming—in opposition to all other forms of discourse—its own precarious existence, "as if discourse could have no other content than the expression of its own form." It is at the end of his section on literature that I came, suddenly, to the realization that there was nothing —or almost nothing—freakish or parochial about Foucault after all; that he is carrying out, in the noblest way, the promiscuous aim of true culture, which is, as Matthew Arnold used to say, to do away with classes, or at least, as we would now append, with classifications. That when Foucault says that for us literature has become "a silent, cautious deposition of the word upon the whiteness of a piece of paper, where it can possess neither sound nor interlocutor, where it has nothing to say but itself, nothing to do but shine in the brightness of its being," he is speaking with the same eloquence we may hear in Northrop Frye ("the sense of an identity in literary experience which is the objective counterpart to the reader's own identity") and in our own "formalist" critics, in Bloom and Hartman and. . . . The list is open, as is *The Order of Things*, which has taught me (has reminded me) of the essential and marvelous poverty of language, always brought back to itself where it is given its power of transformation: to say something else with the same words, to give the same words another meaning. □

Swan of Avon Bites Chickens

YOUR MIRROR TO MY TIMES: The Selected Autobiographies and Impressions of Ford Madox Ford. *Edited, with an Introduction by Michael Killigrew. Holt, Rinehart & Winston. 392 pp. $10.*

WALTER ALLEN
Mr. Allen is professor of English at the New University of Ulster and is at present Berg Professor of English at New York University.

"For factual exactitudes I have never had much use." Thus Ford in his epistolary preface to *Portraits from Life*, which is one of the seven volumes from which Michael Killigrew has made *Your Mirror to My Times*, an anthology of Ford's presentations of himself and his circle. All one can say is that if Ford had had some use for factual exactitudes he would have removed himself from the category of problem cases. As it is, one can only think what a wonderful book this would be if one had not heard of Ford, these reminiscences, intensely and vividly evoked, and with the utmost assurance, of Swinburne, the Pre-Raphaelites, Turgenev, James, Conrad, Crane, Wells, Wyndham Lewis, Lawrence, Hemingway. He makes one see all right; but alas, one has heard of Ford, and this makes Killigrew's selection from his memoirs a book that needs to be read not only with Mizener's *The Saddest Story* at one's elbow but also with Edel on James, Baines on Conrad, Wells's *Experiment in Auto-*

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George Whaley: BS Morgan State College; Ph.D. Columbia University; Newark State College School Administration; Director, Night School of Medical Technology, Riverton-Bio-Analytical Lab and School of Medical Technology; Coordinator of State and Federal Funds and Community Liaison Officer, Jersey City Board of Education; Member, Executive Board of Jersey City N.A.A.C.P. and Executive Board of Jersey City Urban League; Author of *Blueprint for the Big Apple* (forthcoming); Age: 43.

William Creed: B.A., Amherst College; taught in Bedford-Stuyvesant ghetto school system, fourth grade, three years; Non-religious C.O. and occupational deferment from Army service; Formerly Director of Research Center for Social Change, Cambridge, Mass.; Currently, Research Assistant to Professor S. M. Lipset, Harvard University; Wife, pre-kindergarten, child care specialist; No children; Age: 27.

Gerald M. Schaflander: B.A., U. of Michigan; Equivalent of M.A. in Social Relations, Harvard University; Lecturer, Sociology, four years, at Northeastern U., Brooklyn College, and Boston University; 15 years in Advertising-Marketing; Campaigned for Senators Kefauver and McCarthy presidential drives; SANE; CORE, SCLC, and Reform Democrat educational, political and fund-raising campaigns; Co-author, *Ghetto Crisis*, Little, Brown, August 1969—with Prof. H. Etzkowitz; Author, *Passion, Pot & Politics* (to be published by Little, Brown, September 1971) with Prof. S. M. Lipset, Harvard U.; Currently lecturing on college campuses and writing; Wife, Registered Nurse; Three children (boy, 2 years old, two daughters, 27 and 23--teaching in elementary and high school); Age: 51.

Griselda Brown: B.A., Honors student in Sociology, Boston University (United Scholarship Service and Fund for Negro Students); Teaching Assistant, Jr. and Sr. years; Medical Case Worker, Boston City Hospital; Co-Director, integrated infant child care center, Roxbury, Mass.; Member, N.A.A.C.P. Legal Defense Fund; Age: 24.

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acumen some of the social values invented by the American Revolution, he goes no further. Instead of offering a close empirical analysis of the Revolution's impact, which might have led to some proper modern adaptation of its values, Morris permits himself to become rigid when faced, say, with the Russian Revolution—which may now itself be outdated and in need of adaptation. In much the same way, Morris dispenses with the necessity of discussing whether American revolutionary principles have really had any long-lasting effect upon the social and economic history of America itself.

There is every indication that the effect of the Revolution in this country has been similar to its effect elsewhere in the world. That is to say, people have since talked and written a great deal about rights and equality, but little has been done by the national government to extend and secure those blessings. One might argue that this state of affairs has arisen in part because the Americans have usually held strong beliefs about individual responsibility and only a hazy notion of responsibility for their fellow man. Consequently, consideration of the problems of economic and social welfare has been diverted into a celebration of political processes, in terms of which men are equal in theory but far from equal in their capacity to manipulate the economic and social system. □

DANCE

NANCY GOLDNER

A while ago I attended a contest for pianists. After hearing them whiz through several big piano concertos and weave through Chopin I still felt as though I hadn't heard the contestants · *play*. I wanted to hear them play Bach. Not being a pianist, I hesitate to say that the technical and interpretative problems of Bach are such that they will lead one to the best musician when all else fails. As a listener, however, I know that Bach enables me to hear better the notes and the musician.

The most amazing and lovely point about Jerome Robbins' new *The Goldberg Variations*, created for the New York City Ballet and first seen on May 27, is its translucency. Watching it is like listening to Bach. Every movement is weighty and isolated and yet musically dramatic in its relationship with other movements. For example, the dancers do move in phrases and at times use devices, such as rubato, that give color to their movement. (Gelsey Kirkland does one solo that is actually about rubato. Each balance in arabesque is held a fraction longer than the beat allows, and she makes up for time lost in the little glissades that take her from one balance to the next. Interestingly, the dance reaches its climax when rubato yields to the straight beat of the music, as Kirkland makes big jumps toward the back of the stage. The restored steady rhythm is deliciously luxurious, like the calm after a storm.) The dancers also swallow space. (Sara Leland's first solo, in which she covers lots of ground in a variety of diagonals, is almost a tour de force use of space, mostly because we see her full-face although her line of direction is on an angle with us. Her wide-open jumps make a stirring contrast with her complicated route and, more delightful, they seem to take her almost magically on that route. Within a few moments she has covered the entire territory and, in contrast with most movement on the diagonal, we hardly know where she's going until she gets there. This Leland solo opens up the diagonal to previously unforeseen and infinite possibilities.)

Yet despite the fact that the dancers are moving in complex ways, the viewer is most aware of the steps. The ballet proceeds step by step rather than phrase by phrase. A nimble reporter who knew the terminology could conceivably give a running commentary on the variations as he would a baseball game. Three passés, glissade, arabesque. As when hearing the notes of Bach, you are seeing the most basic component of choreography, the step. Considering that in most ballets the whole seems larger than, if not a transfiguration of, the parts—most extremely in typical Cranko choreography, where you do not see the steps at all and are led to speculate that, indeed, there are no parts, just a hazy overall effect of bodies moving in space—*The Goldberg Variations* becomes all the more remarkable. It shows us the raw stuff of movement. Also, it unmasks technique to the essentials, making us aware of the dancer's muscular control, the manipulation of every part of the body so that it makes a simple and pleasing line, and the adjustments that must be made so that the dancer may move from a relaxed position to a tenser, more stylized one. This does not mean that you watch the Robbins dancers under a microscope, but that you see them absolutely clearly, as in outer space, where there is no atmosphere.

In this way *The Goldberg Variations* is much like the new, or *avant-garde*, modern dance, where the choreographer isolates movement and does not use such devices as phrasing, which might divert attention from the step. The most radical choreographers will refer to the step by such terms as breathing, running or leaning to the side while standing up. They might also have the dancers move in slow motion or repeat something over and over, so that the dance is only the immediate present rather than a fusion of past, present and future. Robbins and Bach achieve the same kind and degree of intensity, so that both your eyes and ears burn. The difference is that they do not need to be didactic. Neither does Robbins operate from theoretical or experimental premises. He would rather that a dance looked well. The crucial point, though, is that much of ballet technique is so functional and intrinsically interesting that, when handled in *The Goldberg Variations* way, it creates naturally and inevitably that intense focus for which the new wave of choreographers must strive by using extreme tactics. In its effect or atmosphere, the Robbins ballet takes us to the purity of the classroom. In terms of what we see, it draws us into the essential technique, undistorted, simple but not simplified or simplistic, and as interesting as any elaborate choreography. The plié, passé, glissade and arabesque function like the new modern dancer's breathing, running and leaning. How lucky it is for Robbins that he can make those steps ends in themselves, without having to abandon the medium and willfully tear down mountains—that he can make a bloodless revolution.

The Goldberg Variations to which I have been referring is actually only the first part, the first forty minutes. The ballet is very, very long—perhaps the longest nonnarrative dance ever created. It is exhausting, as well as exhaustive, because there is so much to see and because it won't allow a moment's vacation. Also, it is apparent from the beginning that a structure exists. Its unfolding increases attentiveness and generates a sense of anticipation.

The structural "story" is simple and right. The music and ballet begin with the theme. It is danced by a couple dressed in costumes evocative of the 18th century. They glide in and out of poses which in their combinations of perfect proportion and propriety and a certain lazy, confident sensuality remind one of Fragonard. Then comes a flowing chain of solos, duets, trios, quartets and octets. There are the variations that have the step-by-step intensity and are the most Bach-like. The eighteen dancers are dressed in stylized practice clothes of muted pastels.

That is the best part of the ballet, though it is in this section that an occasional Robbins mannerism creeps into the dancing. One of Robbins' aims

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throughout the ballet is to show that the classic technique can take the dancer far and wide in style. At one or two points the dancers turn their legs inward or hold their arms so as to suggest a folksiness. These, however, are breaks from rather than an extension of style, and too easily bring to mind the Robbins of *Fiddler on the Roof*. A section in which two boys lie on the floor, stretch their stomachs and backs a bit, and listen to the music is also just too natural and self-consciously untheatrical to be credible. Yet a spunky, gymnastic excursion (with an amusing and affectionate quote from Balanchine's *Concerto Barocco* tossed in) for John Clifford, Robert Maiorano, Bruce Wells and Robert Weiss does not jar at all. It is a charming parody of Bach's precision-mindedness and, in a way, also comments humorously on the Abstract painter's necessary obsession with composition.

At about midpoint, Clifford puts his hands over his eyes and—wham!—on rush fourteen girls—all in blue tunics, which immediately suggests more formality than the gently multicolored costumes of the first part. They are followed by three couples in procession. This second part of the ballet is more stylized, structured and virtuosic than the first. Variations are more strictly defined and separated from one another. The *pas de deux* (not just dances for two any more) for Anthony Blum and Susan Hendl, Karin von Aroldingen and Peter Martins, Patricia McBride and Helgi Tomasson are more glamorous and have more mood but less personality. Also, they center around units larger than the individual step. Because of these qualities, they are not as special as the earlier dances, though they are beautiful. The ensemble too is used more conventionally, for example, as a backdrop for the soloists.

During this section the costumes have been gradually evolving into formal attire, with tutus and ruffles. The grand finale, with the entire cast in full Baroque costume, reaches its peak when the dancers cluster together like roses on a trellis. During this tableau the applause from the audience rolls and then breaks like thunder. But it is not the end. The dancers disperse to the wings, and the two who opened the ballet come forward again, as pianist Gordon Boelzner replays the theme of the music. The couple, Renee Estópinal and Michael Steele, repeat some of the poses of their first dance, but this time she wears a white tunic and he a white polo shirt and black tights.

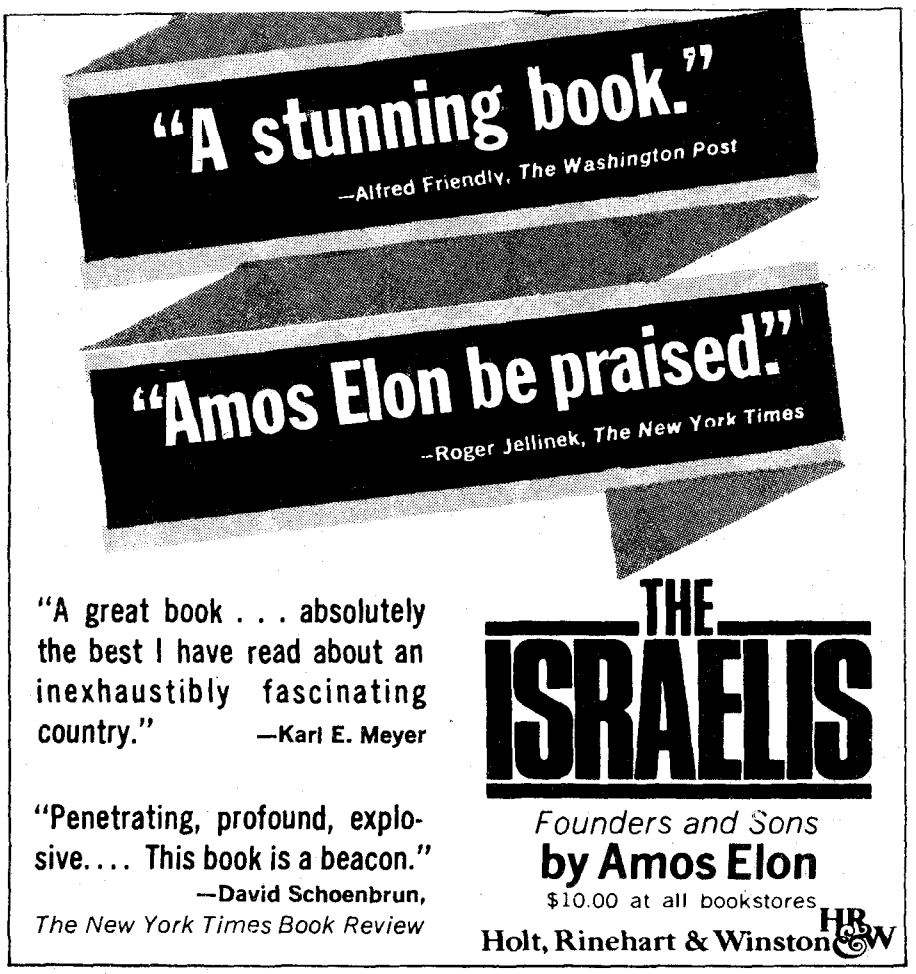
Like all travel that takes you everywhere but returns you to your doorstep, *The Goldberg Variations* is exhilarating and, ultimately, immensely satisfying. □

ART / Lawrence Alloway

Periodic changes shake our assumptions about 20th-century art. The last major change was after World War II, when art history was Americanized or, possibly, Anglo-Saxonized. New research was published in English and historical texts were translated into what became the second language of the airports. This had the effect of weakening the authority of Paris in matters of taste, and the shift in scholarship, no less than the emergence of Abstract Expressionism in New York, was instrumental in showing 20th-century art from a new angle. Italian and German art were discovered with a belated justice that had not been possible to Paris-based writers. Futurism and the various phases of Expressionism were reinstated in the history of art.

Another change is now in progress. To indicate its nature one may take an exhibition arranged by the Andrew Dickson White Museum of Art at Cornell University, "Russian Art of the Revolution," as a point of departure. The show, on view at the Brooklyn Museum (until July 25), spans 1908-29, stressing the graphic works of the Constructivists, with the bulk of the work from the middle of that period. There are hearty paintings by Larionov and Goncharova, and some by Malevich, but the significant emphasis is on El Lissitzky, Vladimir Tatlin, Alexander Rodchenko and Ivan Puni. These are predominately Constructivists and it is here that the shift in art historical attention lies. For a long time Constructivism was identified with Naum Gabo and Antoine Pevsner, who not only got out of the Soviet Union but were accepted as heroes of the modern movement in their own lives. Their art is idealist in intention and refined in execution, especially in the case of Gabo, who is clearly the better of the two. His sequential forms, in nylon fans, in Plexiglas curves, in luminous "virtual volumes" pre-empted the definition of Constructivism. The other artists were known, but defined briefly and stayed more or less in the background: like "and also starring" in movie credits.

There is a tendency now to assign Gabo and Pevsner places alongside Marini and Henry Moore as figures of eminence but low interest. However, Constructivism, which added a third, quasi-engineering, form of making three-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dimensional art to the existing techniques of carving or modeling, retained the interest of later generations. The method of assembling can be as well discussed in relation to the other Russians and with two advantages. They have not been assimilated into an establishment deriving from the 1930s (Sir Herbert Read, J. J. Sweeney and Andrew Ritchie) and they have closer links to revolutionary problems than the rapid expatriates Gabo and Pevsner.

The first moves toward an expanded definition of Constructivism include scattered books and exhibitions. There was Camilla Gray's *The Russian Experiment in Art 1863-1922*, published in England in 1962 (available now as an Abrams paperback) and the Stedelijk Museum's acquisition of a store of Malevich's work. In 1967 a substantial book on El Lissitzky was written by his wife and published in German (available now from the New York Graphic Society). In 1968 Moderna Museet, Stockholm, entered the picture with a huge Tatlin show which included a reconstruction of the model, 15 feet high, for "The Monument to the Third International," 1920, a complex spiral tower, with open structure like the Eiffel Tower and a tilt like that of Pisa. This work is to Constructivism what Marcel Duchamp's large glass, "The Bride Stripped Bare by her Bachelors, Even," is to Dada, an illusive but summarizing work. The reconstruction of the model was shown in New York in 1968 at the Museum of Modern Art in "The Machine as Seen at the End of the Mechanical Age." This exhibition was arranged by K. G. Hultén, director of the museum at Stockholm that so effectively revived Tatlin. These are perhaps enough cases to indicate that through the 1960s interest was reviving strongly in the other Constructivism.

Both the Gabo-esque Constructivism and that of Tatlin use a machine aesthetic in symbolic terms; Gabo uses machine products to symbolize a streamlined timelessness, with Utopian undercurrents, whereas Tatlin works in terms of rugged and contrasting materials. If Gabo, so to say, builds the outside shell of the toaster, Tatlin builds the heating elements and circuits and leaves them exposed. Tatlin's constructions symbolize dynamic and utilitarian values. That it was not in fact utilitarian is shown by the failure of his various design projects in the USSR. El Lissitzky was more adaptive, translating the layouts of his Abstract art into a wide range of occasions. In the late 1920s he designed display rooms for Abstract art in museums, then moved to exhibition design, photomurals and typography. These two men represent an artist with the theory of a social art and an artist who achieved it.

The attraction of this intention and this work is sharpened by the present hankering for artist/society, student/worker linkages. These have come to nothing so far, but Tatlin and El Lissitzky do provide models, one of how to formulate fraternity, the other of how to enter the environment after giving up painting. By comparison, the daintiness of Gabo's work and the bland occupation of public spaces by Pevsner's are respectively overaestheticizing and complacently monumental. Constructivism was conceived as an art in the service of technological society, in a future if not in its present form. Its revival stresses this social contact and does so in terms intensified by recent ideas of community and protest. The problem is how to precipitate artists into unmediated contact with a new audience.

An exhibition in 1969—at Stockholm once again—crystallized this topical aspect of the revival of Constructivism: called, for Marx and Lautréamont, "Transform the World! Poetry Must be Made by All!," it was arranged by K. G. Hultén and Ronald Hunt, an English art historian who has worked on Tatlin. In one rousing, persuasive package it offered all the participatory moments of 20th-century art: agit trains, Eisenstein's *Gas Masks* (a play staged in a factory) and *Strike* (a film with real workers), public fetes, Dada manifestations, Surrealist objects, and the revolutionary graffiti of the Paris streets in May 1968. What Hultén and Hunt proposed in this wide-ranging coalition was a kind of transformation of the Popular Front into a Pop Front.

Back to the Brooklyn Museum: what does "Russian Art of the Revolution" contribute to this mounting review of the period? Nothing: it is a small show, done on the cheap. However, as noted, the period is not well-known and for those who have not seen much of it, a visit will be practice for the real show which I am sure is being prepared somewhere. The organizer, Sarah Bodine, is aware of Hultén, but she has not been touched by his ebullient stab at a new art history. She has only repeated him in an error. In the catalogue of "The Machine as Seen at the End of the Mechanical Age," an entry concerning Alexander Vesnin's stage set for *The Man Who Was Thursday* described G. K. Chesterton's original novel as "set in the Middle Ages." In a caption at Brooklyn this is repeated and ignorantly improved to a "medieval comedy." It is of course a modern novel, set in the early 20th century in which it was written. It is a brilliant farce of anarchists, undercover policemen and total infiltration. Like Tatlin, it might serve as a model of the artist's relationship to society. □

MIGRANT WORK

The same, always the same
ladders staggering
beneath the feet of climbers,
the wild wind
bursting minds like paper lanterns.
Who knows another way?
One envisions cushions of comfort
and measures the distance,
but each heart
on target
is locked in its private monastery
of bone
contemplating its rosary of endurance.
We shake out the leaves
until the sky is captured
in a web of branches.
Thus winter sings to the eye
and one must gather one's fruit above
clouds.

Jack Lindeman

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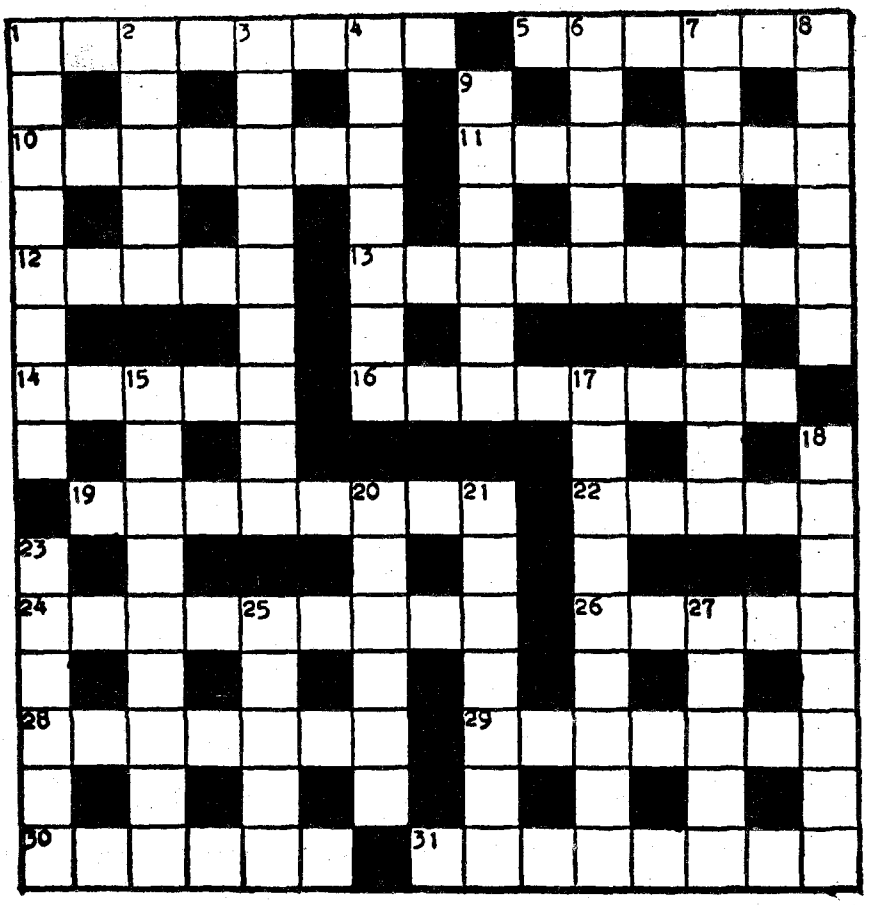

ACROSS

1 and 10 Some rip! No wonder such a suit isn't always popular! (6,2,7)
5 A couple of cats you should be able to beat! (6)
10 See 1 across
11 See 4 down
12 It's not supposed to have a bottom. (5)
13 Their drag might otherwise be high for some. (5,4)
14 English marbles might also be found in Illinois. (5)
16 Evidently a smooth flow of water comes right after sunset. (8)
19 What lead doesn't do very well, leads. (8)
22 One might have tea, though it sounds like the green-associated type. (5)
24 The not-too-well-done opera? (3,6)
26 And an almost ordinary opera? (5)
28 The model type? (7)
29 Counts figures. (7)
30 Late, and out of center. (6)
31 See 4 down

DOWN

1 They could have one wing over the other and be spinal dislocation. (8)
2 Blackwood might provide one of the keys. (5)
3 Colored like a second rim? (9)
4, 31 and 11 The only tune that 5 could play, as a musician's child. (4,3,5,3,3,4)
6 Rode a different way, and possibly used a propeller. (5)
7 We do death, in a way, especially if the fair-haired type. (3-6)
8 Is Mary so unusually associated with such names as Washington and Lindsay? (6)
9 What the current 8 are in. (6)
15 Come, Tiger! It might be descriptive of progression! (9)
17 Chancel, it could be, connected with applied sciences. (9)
18 Went out of channels, perhaps. (2-6)
20 Lots of stones piled in cars? (6)
21 Retainer of a daimyo. (7)
23 Deadened sensibility, or puts out of shape. (6)
25 Urge what the guilty is said to have, to his face? (3,2)
27 Many a girl has such a name, or had a version of it. (5)

SOLUTION TO PUZZLE NO. 1400

ACROSS: 1 and 6 down Bluestone; 4 Belittled; 9 Armenia; 10 Tinamou; 11 and 26 Discover; 12 Fleet; 16 En suite; 17 Swathes; 19 Tartars; 22 Inherit; 24 and 13 Flip side; 25 and 5 Block letters; 29 Abetter; 30 Noodles; 31 Kittiwake; 32 Sites. DOWN: 1 Board feet; 2 Unmasks; 3 and 28 Sunspots; 4 Braille; 7 Lumpish; 8 Deuce; 14 Cigar; 15 Pasha; 18 Satirists; 20 Raiment; 21 Solaria; 23 Rivulet; 24 and 22 Frankincense; 27 Etui.

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